

WORK SESSION AGENDA

***A M E N D E D**

CITY COUNCIL WORK SESSION
TUESDAY
DECEMBER 8, 2015

COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
6:00 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call

NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.

MAYOR NABOURS
VICE MAYOR BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER EVANS

COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER PUTZOVA

4. **Preliminary Review of Draft Agenda for the December 15, 2015, City Council Meeting.** *

** Public comment on draft agenda items may be taken under "Review of Draft Agenda Items" later in the meeting, at the discretion of the Mayor. Citizens wishing to speak on agenda items not specifically called out by the City Council for discussion under the second Review section may submit a speaker card for their items of interest to the recording clerk.*

5. **Public Participation**

Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone to have an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

6. **Presentation on Flagstaff Area Winter Preparedness and Forecast Update.**
7. **Discussion/Direction regarding the Dew Downtown Winter Festival. **THIS ITEM WAS MOVED FROM 9.***
8. **Policy Discussion on Proposed Amendments to Chapter 10-40 (Specific to Zones) of the Flagstaff Zoning Code. **THIS ITEM WAS MOVED FROM 7.***

9. **Policy Discussion on Proposed Amendments to Zoning Code Division 10-50.100. (Sign Standards). **THIS ITEM WAS MOVED FROM 8.***
10. **Review of Draft Agenda Items for the December 15, 2015, City Council Meeting.***

** Public comment on draft agenda items will be taken at this time, at the discretion of the Mayor.*
11. **Public Participation**
12. **Informational Items To/From Mayor, Council, and City Manager; Future Agenda Item Requests (FAIR).**
13. **Adjournment**

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on _____, at _____ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk.

Dated this _____ day of _____, 2015.

Elizabeth A. Burke, MMC, City Clerk

Memorandum

6.

CITY OF FLAGSTAFF

To: The Honorable Mayor and Council
From: Michael O'Connor, Public Works Section Director
Date: 12/02/2015
Meeting Date: 12/08/2015



TITLE:

Presentation on Flagstaff Area Winter Preparedness and Forecast Update.

DESIRED OUTCOME:

Informational only.

EXECUTIVE SUMMARY:

An update will be provided by staff on the efforts to become prepared for the upcoming winter season as it has been predicted to be a strong El Nino season. The National Weather Service of Flagstaff staff will present the winter forecast.

INFORMATION:

COUNCIL GOAL:

Ensure that we are as prepared as possible for extreme weather events

Attachments:

Memorandum

7.

CITY OF FLAGSTAFF

To: The Honorable Mayor and Council
From: Glorice Pavey, Recreation Supervisor
Date: 12/01/2015
Meeting Date: 12/08/2015



TITLE:

Discussion/Direction regarding the Dew Downtown Winter Festival. *THIS ITEM WAS MOVED FROM 9.

DESIRED OUTCOME:

Obtain input from City Council regarding the changes made to the Dew Downtown Festival.

EXECUTIVE SUMMARY:

Special events are important to our community. They bring excitement to our city and enhance our quality of life. If done correctly by addressing parking, trash, noise and congestion, a community event has the potential to enhance business in the surrounding area.

INFORMATION:

Over the last four years we have seen the Dew Downtown Flagstaff Urban Ski and Snowboard Festival transform from a grassroots winter celebration to a large scale event for our community.

As the event has grown, the city has seen an increased strain on resources. In addition to the use of city equipment and vehicles, the 2015 event utilized over 100 city employees. In May of 2015, staff met with stakeholders about taking over the event and recommended postponing the event in order to allow more time for a new event producer to transition into the role of event planner. However, in an effort to ensure the momentum of the event was not lost, the Director for the Downtown Business Alliance, Terry Madeksza, approached city staff in the hopes of partnering on a 2016 event. Staff has been meeting with Ms. Madeksza on a weekly basis for the last two months to discuss logistics for a 2016 event and to determine whether a 2016 event was even possible. In an effort to reduce the workload on city staff, the city is working on retaining the services of a private event producer, Rand Jenkins, to assist with event planning and implementation.

In the past, the event has used potable water because the Arizona Department of Environmental Quality (ADEQ) prohibited the mixture of reclaimed water runoff with storm water runoff which was difficult to prevent in an urban street setting such as Dew Downtown event. The ADEQ will be changing the law to allow reclaimed water to be used for a purpose like this sometime in 2016. Staff doesn't anticipate the rule change in time for the 2016 event.

City staff proposes to hold the event on Saturday, January 30th from 10:00 a.m. – 6:00 p.m. on San Francisco Street (between the parking garage north of Aspen Avenue to Cherry Avenue), on Birch Avenue (between Leroux Street and Agassiz Street), and on Aspen Avenue (between Leroux and San Francisco Street).

The goals of the event are to promote Flagstaff as a four season destination, provide a family-friendly

winter event for all ages, and to provide an economic stimulus to the community during the traditionally low performing month of January.

Proposed changes to the event:

- The event will still be called Dew Downtown and will take place over a two-day period (January 30-31).
- The Saturday portion of the event will be a one-day winter festival in downtown. The City will partner with the DBA to implement the winter festival in downtown.
- The ski and snowboard competition will take place on Sunday at Snowbowl. City will assist with marketing the competition but will not be involved with planning or running the competition on Sunday.
- The winter festival downtown will have a greater focus on family activities, such as:
 - o Snowzilla (inflatable sledding hill)
 - o Giant snow globe for photos with friends and family
 - o Synthetic ice skating rink
 - o Adult ski and snowboard lessons provided by Snowbowl
 - o Rigglett Park for young kids to learn how to snowboard
 - o Snowplay area with crafts
 - o Entertainment stage
- Footprint of the event will be reduced
- The amount of water used to create snow will be reduced to an estimated 1/3 less than previous years
- Event will incorporate Heritage Square to encourage foot traffic on the west side of the downtown area
- The amount of city staff time and resources will be reduced considerably.

Attachments:

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Roger Eastman, Zoning Code Administrator
Date: 12/02/2015
Meeting Date: 12/08/2015



TITLE

Policy Discussion on Proposed Amendments to Chapter 10-40 (Specific to Zones) of the Flagstaff Zoning Code. **THIS ITEM WAS MOVED FROM 7.*

RECOMMENDED ACTION:

Staff will be seeking Council direction on any policy issues associated with proposed amendments to Chapter 10-40 (Specific to Zones) of the Flagstaff Zoning Code.

EXECUTIVE SUMMARY:

This is the third in a series of Council work sessions for a policy discussions on Chapter 10-40 (Specific to Zones) of the Flagstaff Zoning Code. In these work sessions staff will introduce to the Council the more substantive amendments proposed and the reason(s) for them. The Council will be able to identify any policy issues that warrant a more in-depth discussion, either at the current work session, or in a future work session.

INFORMATION:

COUNCIL GOALS:

- 7) Address key issues and processes related to the implementation of the Regional Plan.
- 8) Improve effectiveness of notification, communication, and engagement with residents, neighborhoods and businesses and about City services, programs, policies, projects and developments.

REGIONAL PLAN:

The Flagstaff Regional Plan 2030 supports the update and amendment of the Flagstaff Zoning Code with the following goals (policies are only included where needed to clarify a goal):

- Goal CC.1** Reflect and respect the regions' natural setting and dramatic views in the built environment.
- Goal CC.4** Design and develop all projects to be contextually sensitive, to enhance a positive image and identity for the region.
- Goal LU.5** Encourage compact development principles to achieve efficiencies and open space preservation.
- Goal LU.6** Provide for a mix of land uses.
- Goal LU.9** Focus reinvestment, partnerships, regulations, and incentives on developing or redeveloping areas.
- Goal LU.13** Increase the variety of housing options and expand opportunities for employment and neighborhood shopping within all neighborhoods.

POLICY AMENDMENTS

The amendments identified by staff that may require a more in-depth policy discussion with the Council are summarized in the table in the first attachment (The Council may also identify additional policy issues as they review the proposed amendments).

The Sections of the Zoning Code in which the topics for more in-depth policy discussion are located are listed below:

Division 10-40.30 Non-Transect Zones

- 10-40.30.030 Residential Zones
- 10-40.30.040 Commercial Zones
- 10-40.30.050 Industrial Zones

Division 10-40.40 Transect Zones

Transect Zones T4N.1-O; T4N2-O; T5; T5-O; and T6

Division 10-40.60 Specific to Uses

- 10-40.60.240 Micro-breweries and Micro-distilleries
- 10-40.60.250 Mixed Use
- 10-40.60.270 Planned Residential Development
- 10-40.60.300 Secondary Single-Family Dwelling

The first attachment provides a detailed overview of the policy issues identified by staff for the Council's consideration. The second attachment details the proposed amendments to Chapter 10-40 (Specific to Zones). Full details of all the proposed amendments are included in these documents, including an explanation of why the amendment is proposed. This may be easily identified because it is written in italic font. A summary of the substantive amendments to this chapter is provided in a table on the first page with a brief description of the amendment and on what page it may be found.

As the Council may not have enough time in this special work session to complete a discussion on all the policy issues in Chapter 10-50 (Supplemental to Zones), at the end of the work session staff will be asking the Council to select a date(s) for an additional work session(s), including a special work session to review the policy issues in Division 10-50.100 (Sign Standards).

If you have questions, or require clarification on the contents of this staff summary, please contact Roger E. Eastman, AICP, Comprehensive Planning and Code Administrator, at reastman@flagstaffaz.gov or (928) 213-2640.

Attachments: [Policy Issues Chapter 10-40](#)
 [Amendments Chapter 10-40](#)
 [Questions & Answers](#)

Summary of Policy Issues

Proposed Amendments to the Zoning Code

Chapter 10-40 (Specific to Zones)

October 6, 2015

Division 10-40.30 Non-Transect Zones

10-40.30.030 Residential Zones

Policy Question(s):

- Should the use type currently called “Rooming and Boarding Facility” be deleted and the three uses previously grouped within it be listed separately, i.e. dormitories, single room occupancies (SRO) and fraternities/sororities?
- Should dormitories, single room occupancies (SRO) and fraternities/sororities be removed from the list of permitted uses in the Estate Residential (ER) and Manufactured Housing (MH) Zones as they are not appropriate uses within these zones?

See Page 40-4 & 40-5 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
Uses the term “Rooming and Boarding Facility” which includes three separate and different uses, including dormitories, SROs, and fraternities/sororities.	As dormitories, SROs, and fraternities/sororities are three distinctly separate uses (See the amended definitions of these uses included on Page 5), they are proposed to be listed separately to minimize confusion.
Includes dormitories, SROs, and fraternities/sororities as permitted uses in the ER and MH Zones.	These uses are not currently permitted in the RR Zone. As the ER Zone has similar large lot characteristics it is recommended that these uses should not be permitted in this Zone. These uses are also proposed to be removed from the MH Zone to assure the provision of manufactured homes within the City.

10-40.30.040 Commercial Zones

Policy Question(s):

- Should regional meeting facilities be removed from the list of allowed uses in the Suburban Commercial (SC) Zone?
- Should it be easier to build a single-family home in the Community Commercial (CC) Zone by allowing a single-family dwelling as a permitted use in this Zone?
- Should bars/taverns be permitted as a new use in the Community Commercial (CC) Zone?
- Should the allowed maximum building height in Suburban Commercial (SC) Zone be increased from 25 to 35 feet?

See Page 40-8 to 40-11 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
Table B (Allowed Uses) currently allows regional meeting facilities in the SC Zone.	Recommends the removal of regional meeting facilities from the SC Zone as this zone is intended for neighborhood serving uses that are not

<p>Table B (Allowed Uses) currently prohibits construction of a single family dwelling in the CC Zone. Residential uses are only permitted as a part of a mixed-use development with the residential use located above or behind a commercial use.</p> <p>Table B (Allowed Uses) currently prohibits bars/taverns within the CC Zone. Note that micro-breweries/micro-distilleries are currently permitted in this zone.</p> <p>Table C (Building Form Standards) establishes the maximum building height for the SC Zone as 25 feet.</p>	<p>regional in scope. Regional meeting facilities are permitted in all other commercial zones.</p> <p>Specifically allows single-family residences as a permitted use on a lot or parcel in the CC Zone. This is especially important in areas such as the south Sunnyside neighborhood where a majority of lots while zoned CC are developed as single-family residences.</p> <p>Specifically would allow bars and taverns in the CC Zone because micro-breweries/micro-distilleries are currently permitted.</p> <p>Increases the allowed building height in the SC Zone to 35 feet consistent with the maximum height limitations of typical surrounding residential zones, such as the R I (Single-family Residential) Zone.</p>
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10-40.30.050 Industrial Zones

Policy Question(s):

- Should micro-breweries and micro-distilleries be allowed as permitted uses in the LI and LI-O Zones?

See Page 40-12 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
The existing standards are silent on this question, especially on whether a taproom associated with these uses may be allowed.	Specifically states that micro-breweries and micro-distilleries would be permitted in the LI and LI-O Zones. If a taproom is proposed as part of a micro-brewery or micro-distillery use in the LI Zone, a conditional use permit is required.

Division 10-40.40 Transect Zones

T4N.1-O; T4N.2-O; T5; T5-O; T6 Transect Zones

Policy Question(s):

- Should micro-breweries and micro-distilleries also be allowed as permitted uses in the T4N.1-O, T4N.2-O, T5, T5-O, and T6 Transect Zones?

See Page 40-16&17 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
The existing standards are silent on whether micro-breweries and micro-distilleries would be permitted in these transect zones, although bars and taverns are already permitted in these zones.	Specifically would allow the establishment of a micro-brewery or micro-distillery in the T4N.1-O, T4N.2-O, T5, T5-O, and T6 Transect Zones.

Division 10-40.60 Specific to Uses

10-40.60.240 Micro-breweries and Micro-distilleries

Policy Question(s):

- Micro-breweries and micro-distilleries have become very popular in cities and towns across the country, and there has been an increase in their establishment within the City of Flagstaff. Should new development standards for these uses be included in the Zoning Code?

See Page 40-25 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
The existing Code does not include development standards specific to micro-breweries and micro-distilleries.	Specifically provides development standards for micro-breweries and micro-distilleries based on staff's research of similar standards in other communities.

10-40.60.250 Mixed Use

Policy Question(s):

- The former Land Development Code (LDC) included standards for mixed use developments. The current Zoning Code also includes mixed use standards, but staff and the development community have found them to be incomplete and difficult to apply. Should these standards be clarified and expanded by, for example, including a reference to how the Regional Plan promotes mixed-use development, providing more precise standards on the mix of uses within a building, and the inclusion of site layout and development standards?

See Page 40-25 to 40-29 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
Includes incomplete standards for mixed-use development.	Includes: An expanded introduction referencing the Regional Plan; Standards and illustrations to clarify the mix of uses within a mixed-use development; and A table with site layout and development design standards for mixed-use developments.

10-40.60.270 Planned Residential Development

Policy Question(s):

- The current Zoning Code includes standards for Planned Residential Developments (PRDs). This development type has proven to be a popular choice for the development community, but staff and local developers have found them to be incomplete. Should these standards be clarified and expanded by, for example, including standards to allow more flexibility for building types not specifically listed in the Zoning Code, clarifying which building types may be utilized in the non-transect zones, adding commercial zones to Table 10-40.60.270.A, and relaxing the standards for open space when required preserved natural resources are located on a site?

See Page 40-30 to 40-32 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
Includes incomplete and hard to apply standards for Planned Residential Developments.	Includes: A new section to provide better guidance on how a building type not specifically listed in the Code maybe used in a PRD; Clearer standards to clarify the application of the listed building types in the non-transect zones; and The addition of the commercial non-transect zones to allow for the expansion of Planned Residential Developments into these zones.

10-40.60.300 Secondary Single-Family Dwelling

Policy Question(s):

- Should a new standard be added to Table 10-40.60.300.A that establishes a new building height limitation for Secondary Single-Family Dwellings applicable within Historic Overlay Zones?

[Note that staff and the Planning and Zoning Commission recommended that this Section should be moved from the Zoning Code to the Subdivision Regulations (City Code Title 11) as this Section establishes a process and standards for the subdivision of land under specific conditions.]

See Page 40-33 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
Does not include a building height standard. There is concern that in a Historic Overlay Zone (such as Flagstaff Townsite) out-of-scale buildings may result as a result of a lot split under the Secondary Single-Family Dwellings standards when an existing detached residence is demolished.	Includes a new standard that applies in a Historic Overlay Zone to confirm that the height restrictions that may be established for that zone shall apply to any new construction if a pre-existing detached residence is demolished.

Chapter 10-80 (Definitions)

Division 10-80.20: Definitions of Specialized Terms, etc.

Section 10-80.20.040 Definitions, "D."

- Page 80.20-25

Dormitories: A building or portion thereof ~~that which~~ contains living quarters in individual rooms for nine or more students, staff, or members of a college, university, primary or secondary boarding school, theological school, ~~or~~ other comparable organization, or an organization or business that provides living quarters for its employees, provided that such building is either owned or managed by such organization. Areas held in common by all tenants within a dormitory include, but are not limited to, common gathering and meeting rooms, cooking facilities, laundry and other facilities. Single-family and two-family dwellings are defined separately. ~~See "Rooming and Boarding Facilities."~~

This amendment more precisely defines a dormitory. Staff also recommends that the rooming and boarding facility use be eliminated as it is confusing because it incorrectly combines a single room occupancy facility with a dormitory, rooming and boarding facility, and fraternity or sorority.

Section 10-80.20.060 Definitions, "F."

- Page 80.20-34

Fraternity, Sorority: Group living facilities of ~~greater than eight for~~ nine or more occupants, owned by an organization of university or college students or their parent organizations for housing members while enrolled in school and recognized as a student group by the university or college. ~~See "Rooming and Boarding Facility."~~

The reference to rooming and boarding house is removed consistent with previously described amendments to delete this use type.

Section 10-80.20.190 Definitions, "S."

- Page 80.20-76

Single Room Occupancy (SRO): A residential facility ~~structure~~ that provides living units with separate sleeping and bathroom facilities which are rented on a weekly or monthly basis. ~~that have separate sleeping areas and some combination of shared bath or toilet facilities.~~ Common facilities and services for laundry, cleaning, and meals may be provided for the residents. ~~The structure may or may not have separate or shared cooking facilities for the residents.~~ Single room occupancy includes buildings ~~structures~~ sometimes called residential hotels and rooming houses. ~~See also "Boarding and Rooming Houses."~~

This amendment updates and clarifies the definition of a single room occupancy and the reference to rooming and boarding house is removed consistent with previously described amendments to delete this use type.

Proposed Amendments to the Zoning Code

Final Planning and Zoning Commission Recommendation

First created: October 26, 2011

Date of previous update: July 19, 2013

Most recent update: 1/1/2015; 2/24/2015; 3/31/2015; 4/16/2015; 4/23/2015; 05/13/15; 05/27/2015; 06/10/2015; 06/24/2015; 09/03/2015

Chapter 10-40: Specific to Zones

A summary of major/substantive amendments (e.g. a new use is added, a development standard is changed, etc) is provided in the table below:

Section No.:	Zoning Code Page No.:	Brief Description	Page No. (this document):
10-40.30.030 Residential Zones	40.30-6	Table 10-40.30.030.B Allowed Uses: Rooming and Boarding no longer a use; separated into individual uses	4
10-40.30.030 Residential Zones	40.30-8	Table 10-40.30.030.C Building Form Standards: Establishes a lower minimum density for the HR Zone.	5
10-40.30.030 Residential Zones	40.30-10	Table 10-40.30.030.A Common Open Space Requirements: Provides more flexibility in the provision of common open space, especially on small lots or parcels.	7
10-40.30.040 Commercial Zones	40.30-15	Table 10-40.30.040.B Allowed Uses: Clarifies that micro-breweries and micro-distilleries are permitted in certain commercial zones (formerly classified as “manufacturing and processing, incidental).”	8
10-40.30.040 Commercial Zones	40.30-15	Table 10-40.30.040.B Allowed Uses: Delete regional meeting facility from the SC Zone.	8
10-40.30.040 Commercial Zones	40.30-15 & -16	Table 10-40.30.040.B Allowed Uses: Permits a single-family dwelling in the CC zone. End Notes – Makes it easier to develop a single-family residence in the CC Zone.	8
10-40.30.040 Commercial Zones	40.30-16	Table 10-40.30.040.B Allowed Uses: Retail Trade: Allows for bars/taverns in the CC Zone.	9
10-40.30.040 Commercial Zones	40.30-17	Table 10-40.30.040.B Allowed Uses: Retail Trade: Allows for farmers markets or flea markets in the CB Zone (i.e. downtown).	10
10-40.30.040 Commercial Zones	40.30-17	Table 10-40.30.040.C Building Form Requirements: Building Placement Standards – reduces the side setback from one residential use to another. New End Note limits the height of a single-family dwelling in the CC zone to 35’.	10
10-40.30.040 Commercial Zones	40.30-17	Table 10-40.30.040.C Building Form Requirements: Building Height – increases the allowed height in the SC Zone.	11

10-40.30.040 Commercial Zones	40.30-17	Table 10-40.30.040.C Density Requirements: Gross Density – Establishes a cross-reference to the HR Zone.	11
10-40.30.050 Industrial Zones	40.30-22	Table 10-40.30.050B Allowed Uses: Industrial, Manufacturing, Processing & Wholesaling: Allows for micro-breweries and micro-distilleries in the LI and LI-O Zones.	12
10-40.30.050 Industrial Zones	40.30-22	Recreation, Education, & Assembly: Includes Indoor Commercial Recreation as a use rather than includes “fitness facilities” under General Services.	13
10-40.40.070/-080 T4N.1-O & T4N.2-O Neighborhood Standards	40.40-29/-35	Table C. Allowed Uses: Allows for micro-breweries and micro-distilleries	16
10-40.40.090 T5 Main Street Standards	40.40-41	Table I. Allowed Uses: Allows for micro-breweries and micro-distilleries	16
10-40.40.100 T6 Downtown Standards	40.40-29	Table H. Allowed Uses: Allows for micro-breweries and micro-distilleries	17
10-40.60.140 Community Gardens	40.60-28	Allows for the sale of fresh produce and cottage foods grown in and produced from the community garden.	22
10-40.60.180 Home Occupations	40.60.33	Allows for the sale of fresh produce and cottage foods grown in and produced from a resident’s vegetable garden.	24
10-40.60.240 Micro-breweries and Micro-distilleries	40.60.46	Establishes new development standards for micro-breweries and micro-distilleries.	25
10-40.60.250 Mixed Use	40.60-47	Clarifies and expands the standards for mixed-use developments especially with regard to what defines a mix of uses and establishing standards for pedestrian-oriented commercial space.	26
10-40.60.270 Planned Residential Development	40.60.50	Establishes clear procedures and standards for the use of the building types in Planned Residential Developments that are not in the current Zoning Code.	30
10-40.60.300 Secondary Single-Family Dwelling	40.60-57	Provides a reference to the building form standards of any applicable Historic Overlay Zone to address building height and form concerns. Also, this Section should be moved to the Subdivision Regulations in Title 11.	33
10-40.60.310 Telecommunication Facilities	40.60-62	6. Visual Impact: Includes new standards for camouflaged sites.	35

Division 10-40.20 Establishment and Designation of Zones

Table 10-40.20.020.A: Zones

- Page 40.20-2

Change BP to “RD” and Business Park to “Research and Development”.

The “Business Park” zone was combined into the RD zone with the adoption of the Zoning Code in 2011. It was inadvertently misstated in the current Zoning Code as BP instead of RD.

Insert at the bottom of this table a new row for the POS (Public Open Space) land use category.

This category was inadvertently omitted when the Zoning Code was updated.

Division 10-40.30: Non-Transect Zones

10-40.30.030 Residential Zones

- Page 40.30-3

1. RR

The Rural Residential (RR) Zone applies to areas of the City appropriate for both housing and limited agricultural uses that preserve the area's rural character. This Zone is predominantly large lot single family development. However, it does allow for cluster and planned residential developments, which provide opportunities for higher densities. The RR Zone applies to those non-urban areas of the City that cannot be economically and efficiently provided with City services associated with urban living. As such, it is designed for the utilization and enjoyment of the City's unique mountain environment with a minimum [amount](#) of municipal services and improvements. ~~These areas are designated Very Low Density Residential (VL) on the Land Use Map in the General Plan.~~ This Zone is also intended to be used to protect against premature development in areas on the fringe of the urban service area.

This amendment removes a reference to the former 2001 Flagstaff Regional Plan.

4. R1N

The Single-family Residential Neighborhood (R1N) Zone applies to those neighborhoods that are located between the City's Historic Downtown District and outlying areas of more recent suburban development. The R1N Zone, therefore, helps to maintain and enhance the historic character, scale, and architectural integrity of the downtown and surrounding area. Single-family residential development is the primary use type, [and more than one single-family residence per lot is permitted where allowed by the applicable density standard](#). This Zone is intended to preserve and build upon the existing development patterns inherent to Flagstaff's oldest neighborhoods. New development, renovations, and additions should, therefore, be in character and scale with the existing architectural characteristics of this Zone.

This amendment clarifies that more than one (typically it will only be two) single-family residences may be permitted on a lot or parcel in the R1N Zone.

- Page 40.30-4

7. MH

The Manufactured Housing (MH) Zone is applied to areas of the City appropriate for orderly planned development of manufactured housing parks and subdivisions to accommodate manufactured houses [as a primary use](#). This Zone also accommodates

conventionally framed or constructed single-family residences ~~secondarily~~ and accessory uses ~~that as~~ are related or incidental to the primary use and not detrimental to the residential environment.

This amendment includes clarifying language from the former LDC.

10-40.30.030 Residential Zones

Table 10-40.30.030.B Allowed Uses

- Page 40.30-5

Ranching, Forestry & Animal Keeping	RR	ER	RI	RIN	MR	HR	MH
Schools – Public & Charter	See Section 10-40.60.070						
Ranching	-- ^P	--	--	--	--	--	--

Livestock such as horses, cattle, etc. are permitted in the RR and ER zones subject to certain limitations as defined in the soon-to-be adopted amendments to City Code, Chapter 6-03 (Animal Keeping). Therefore, ranching which is typically a commercial use, should not be listed as a permitted use in the RR zone.

Recreation, Education & Assembly	RR	ER	RI	RIN	MR	HR	MH
Schools – Public & Charter	P ³	P ³	P ³	P ³	P ³	P ³	P ³

End Notes

³ Charter Schools proposed in existing single-family residences shall be located on residential lots 1 acre or greater. [Charter schools shall be subject to the review processes established in A.R.S. §15-189.01.](#)

ARS 15-189.01 was updated and amended by the legislature in 2013 (SB1103). This statute essentially requires charter schools to be classified the same as public schools for the purposes of zoning, and requires that they be treated the same in terms of the assessment of fees, review and approval processes, etc.

Residential	RR	ER	RI	RIN	MR	HR	MH
Dwelling: Secondary Single-family	--	--	--	P	P	P	--

A Secondary Single-Family Dwelling as described in Section 10-40.60.300 is a process and not a use, and should, therefore, be deleted from this use table.

Table 10-40.30.030.B Allowed Uses (continued)

- Page 40.30-6

Residential (continued)	RR	ER	RI	RIN	MR	HR	MH
Dwelling: Two-family Duplex	P ⁴	P ⁴	P ⁴	P	P	P	--
Rooming and Boarding Facilities Dormitories	--	UP --	--	--	UP	UP	UP

Single Room Occupancy, Fraternities and Sororities	--	--	--	--	UP	UP	--
--	----	----	----	----	--------------------	--------------------	----

Throughout this chapter the term “Dwelling, Two-family” is being replaced with the term “Duplex” to eliminate redundancy as these are the same use/building type.

The Rooming and Boarding Facilities as defined in the current Zoning Code are not an appropriate use in the ER (Estate Residential) Zone or MH (Manufactured Home). This use was incorrectly carried forward from the former LDC. Furthermore, staff recommends that this use should be deleted and instead, the individual uses that are currently included within it should be listed separately. Refer to the explanation in Chapter 10-80 (Definitions) for rooming and boarding facilities.

Public Services	RR	ER	RI	RIN	MR	HR	MH
Public Services Minor	P	P	P	P	P	P	P
Public Services Major	--	--	--	--	--	--	--

The Public Services Major land use category includes such uses as a wastewater treatment facility or water treatment facility, which are not appropriate in residential zones.

- Page 40.30-8
Table 10-40.30.030.C Building Form Standards

In previous drafts of amendments to this table staff had suggested that a reference to FAR (Floor Area Ratio) standards for non-residential uses in the MR and HR Zones should be included because these zones include such uses as offices and hospitals such as the Flagstaff Medical Center which is located in the HR Zone. After further consideration, staff has determined that this proposed amendment was redundant and, therefore, unnecessary, and as a result has been removed.

Density Requirements See Division 10-30.20 (Affordable Housing Incentives)							
	RR	ER	RI	RIN	MR	HR	MH
Density: Gross (units/acre)							
Min.	--	--	2	2	6	10 ¹³	--
Max. Outside the RPO	1	1	6	14	14	29 ⁶	11
Max. Within the RPO	1	1	5	--	9	22	4

This amendment provides a cross reference to the affordable housing incentives Division of the Zoning Code.

Staff recommends that the minimum density in the HR Zone should be lowered from 13 units per acre to 10 to close the gap that exists in the current code between a maximum density of 9 in the MR Zone and a minimum density of 13 in the HR Zone. This gap precludes a property owner from seeking to develop their property in an HR Zone at 10, 11, or 12 units per acre.

End Notes

³ One or two story residential buildings [and decks attached to those buildings](#) may be built to 15' from the rear property line, provided that any portion of the structure located closer than 25' to the rear property line does not exceed 50% of the lot width.

This simple amendment clarifies that this provision also applies to a deck attached to a residential building.

- Page 40-30.9

Table 10-40.30.030.C Building Form Standards (continued)

Lot Requirements	RR	ER	RI	RIN	MR	HR	MH
Area							
Gross (min.)	1 ac ⁷	1 ac ⁷	6,000 sf	6,000 sf	6,000 sf	6,000 sf	5 ac
Per Unit (min.)	1 ac ⁷	1 ac	6,000 sf	3,000 sf	3,000-sf Endnote⁶	3,000-sf Endnote⁶	4,000 sf

End Notes

⁶ The maximum number of units for each lot is based on the following:

Area of Lot	Required Lot Area Per Dwelling Units
5,000 to 14,000 square feet	2,500 square feet
14,001 to 24,000 square feet	2,000 square feet
24,001 square feet and over	1,500 square feet

This amendment fixes an error in the current code as the 3,000 sq. ft. per unit standard in the MR and HR Zones is incorrect and a reference to End Note #6 should be inserted instead.

Other Requirements	RR	ER	RI	RIN	MR	HR	MH
Open Space (% of Gross Lot Area)	--	--	--	--	+5%⁺² See Table 10-40.30.030.A	+5%⁺²	+5%⁺²

As this standard is duplicated in Table 10-40.30.030.A it can be deleted and a cross reference to Table 10-40.30.030.A on Page 40.30-10 inserted instead.

- Page 40.30-10

D. Miscellaneous Requirements – All Residential Zones

[4. The cultivation of vegetable gardens for home use is permitted in all residential zones.](#)

This simple amendment explicitly states that vegetable gardens are permitted for home use.

Table 10-40.30.030.A: Common Open Space Requirements

- Page 40.30-10

Table 10-40.30.030.A: Common Open Space Requirements

Area ¹	15% of gross lot area; <u>at least one open space area shall be no less than 400 sq. ft. min.</u>
Width	<u>15</u> 20 ' min.
Depth	<u>15</u> 20 ' min.
No private open space is required.	

End Notes

¹ Roof decks and courtyards may be included in the open space area calculation, but not driveways or vehicle parking areas.

This amendment provides more flexibility in the requirement for open space. This is especially important on small parcels where it has proven hard to provide realistic open space in which children may play. At least one open space area must be a minimum of 400 sq. ft. with a minimum dimension of 15 feet, and it may be located on a roof or on the ground.

- Page 40-30.11

H. Open Yard Requirements – MR and HR Zones

As an alternative to the minimum rear setback area~~s~~ provided in Subsection C, at least 350 square feet~~2~~ of open yard area per dwelling unit may be provided. An open yard area may be approved in compliance with the following conditions:

- Open yard area may be established as a single area (i.e. the area per dwelling unit combined) with a minimum dimension of 15~~20~~ feet measured perpendicular to the boundary of the yard, or it may be established as separate areas each with a minimum dimension of 15 feet measured perpendicular to the boundary of the yard;
- The rear setback ~~yard~~ may be reduced to no less than six feet;
- The open yard area shall be located behind the front ~~yard~~ setback line; and
- The open yard area shall not include any driving or parking surface for use by motor vehicles or trailers.

(P&Z) This amendment clarifies that the reduction in setback to allow for an open yard area only applies to the rear setback. This amendment is supported by the existing End Note 4 on Page 40.30-8. The P&Z Commission further recommended that the minimum width of the open yard area should be reduced to 15 feet consistent with the amendment in Table 10-40.20.040.A (Common Open Space Requirements).

10-40.30.040 Commercial Zones

Table 10-40.30.040.B Allowed Uses

- Page 40.30-15

Industrial, Manufacturing, Processing & Wholesaling

	SC	CC	HC	CS	CB
Manufacturing and Processing, Incidental	--	P	P	P	P
<u>Micro-brewery or Micro-distillery</u>	--	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

This amendment permits micro-breweries and micro-distilleries as permitted uses in the zones where the rather obtusely named “manufacturing and processing, incidental” use is also permitted. This latter use, formerly used to include a brewery, is not being deleted as it would allow for a coffee roaster, as an example.

Also, add the new Section 10-40.60.240 in the “Specific Use Regulations” column. Renumber all following Sections, and check for and correct all cross references.

Recreation, Education & Assembly

	SC	CC	HC	CS	CB
Meeting Facilities, public or private	⁵				
Regional	-- <u>P/UP</u> ⁵	P/UP ⁵	P/UP ⁵	P/UP ⁵	P/UP ⁵
Neighborhood	<u>P</u> ⁵ / <u>UP</u> ⁵	P/UP ⁵	--	--	--

End Notes

⁵ A Conditional Use Permit is required if liquor is sold, or if facilities exceed 250 seats.

The Suburban Commercial (SC) Zone is established to provide neighborhood serving land uses only. Staff, therefore, recommends that a regional meeting facility is inappropriate in the Suburban Commercial (SC) Zone.

- Page 40.30-16

Residential ⁷

	SC	CC	HC	CS	CB
Dwelling: Single-family	--	<u>P</u> ⁹ --	--	--	--
Dwelling: Two-family <u>Duplex</u>	P ⁶	P ⁶ ⁹	P ⁶	P ⁶	P ⁶
Planned Residential Development	<u>P/UP</u>	<u>P/UP</u> ⁹	UP	UP	UP
Rooming and Boarding Facilities <u>Dormitories</u>	UP ⁶	UP ⁶	UP ⁶	UP ⁶	UP ⁶
<u>Fraternities and Sororities</u>	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>UP</u> ⁶
<u>Single Room Occupancy</u>	<u>UP</u>	--	<u>P</u>	--	<u>P</u>

- Page 40.30-15 & 16

End Notes

⁶ Residential uses with more than 2 units are only allowed as part of a mixed-use development located above or behind the commercial uses, and shall be subject to the development standards established in the HR Zone. New developments that include residential uses with more than 2 shall provide a minimum of 15% of the gross lot area in the form of common open space.

⁹ Single-family and duplex building types (see Division 10-50.110) are permitted by right on lots ≤9,000 sf existing prior to November 1, 2011. A Conditional Use Permit is required for all other building types and multi-family residential uses with 3 or more units regardless of the size of the lot or parcel.

Many of the areas of the City that in the Community Commercial (CC) Zone are characterized by small lots developed with existing small single-family homes. This includes most of the Sunnyside and Southside neighborhoods, as well as areas to the north and west of the Downtown. Under current Code standards, a property owner may not build a single-family home in the CC Zone unless a Planned Residential Development approach is pursued which requires approval of a Conditional Use Permit from the Planning and Zoning Commission. This can be a time consuming and expensive process that makes it very hard for a family to build a new home. Staff recommends that the process to build a single-family home in the CC Zone should be simplified by allowing a single-family dwelling as a permitted use in the CC Zone. The amendment to End Note #6, therefore, ensures that a single-family dwelling and a duplex may be established in the CC zone by right without the need for additional commercial uses on the property.

The addition of End Note #9 (which is only applied within the CC Zone) further clarifies that existing single-family and duplex building types are permitted by right on lots ≤ 9,000 sq. ft. in area without having to go to the Planning and Zoning Commission for Conditional Use Permit approval. This is especially important in the Sunnyside neighborhood where over 50 percent of the neighborhood has CC zoning yet is developed predominantly with single-family homes, and is also relevant in such neighborhoods as Southside. Note that this is not a more restrictive standard than the standard currently in this table as the latter standard required a Conditional Use Permit for a single-family residence or a duplex established with a PRD in the CC Zone.

The former LDC allowed residential uses in commercial zones subject to the development standards of the HR Zone. This standard was not included in the Zoning Code.

Consistent with the amendments proposed in Section 10-40.30.030 (Residential Zones), the rooming and boarding facility use has been deleted and the uses included within it have been listed separately. SROs are only allowed in those zones where lodging uses are permitted (i.e. SC, HC and CB).

Retail Trade

	SC	CC	HC	CS	CB
Bars/Taverns	P	P—	P	P	P

This amendment was requested by a local inn-keeper who requested that bars and taverns should be considered as a permitted use in the CC Zone. Staff supports the amendment as micro-breweries and micro-distilleries (formerly categorized as “Manufacturing and Processing, Incidental”) are already permitted in this Zone and are allowed in Transect Zone T5 (Main Street).

- Page 40.30-16

End Notes

⁷ Residential uses [in the CC, HC, CS and CB Zones](#), and residential uses and properties listed on the National Historic Registry or within the Landmarks Overlay Zone, ~~in the CC, HC, CS and CB Zones~~ existing prior to the effective date of this Zoning Code are considered legal, [nonconforming uses](#). [Residential uses in the CC, HC, CS and CB Zones shall be subject to the development standards established in the HR Zone.](#)

This amendment clarifies the former confusing language to ensure that residential uses in the listed zones as well as residential uses and properties that have defined historic characteristics are considered as legal conforming uses.

Further, an amendment at the end of this End Note codifies staff's current practice from the former LDC by stating that residential uses in the commercial zones are subject to the development standards of the HR Zone.

Table 10-40.30.040.B Allowed Uses (continued)

- Page 40.30-17

Retail Trade (continued)

	SC	CC	HC	CS	CB
Farmers Markets and Flea Markets	--	P	P	P	-- P

This amendment permits a farmers market in the Flagstaff downtown area.

Table 10-40.30.040.B Allowed Uses (continued)

- Page 40.30-18

Transportation & Infrastructure

	SC	CC	HC	CS	CB
Passenger Transportation Facilities	--	--	-- UP	UP	UP

The former LDC listed Passenger Transportation Facilities as an Unclassified Use in the C-3-E zone (now called the HC Zone), and they were only allowed in this Zone with a Conditional Use Permit. An error was made in this use table in the new Zoning Code as Passenger Transportation Facilities were listed as not permitted in the HC zone, which is incorrect. This use should be consistent with the former LDC, and listed as conditionally permitted (UP) in the HC zone.

Table 10-40.30.040.C Building Form Standards

- Page 40.30-19

Building Placement Requirements	SC	CC	HC	CS	CB
Setback					
Front (See also 10-50.60.040.B)	15' min. ¹	0'	0' ²	0'	0'
Side					
Adjacent to Residential Use	----- 15' min. ¹⁰ -----				

Section 10-50.60.040.B (Non-Residential Zone Buffers) requires a minimum of 5 feet of landscaping in the front setback area between a building and the property line. This standard, therefore, eliminates the 0' front setback established in the Table C (Building Form Standards) in the CC, HC, CS, and CB Zones. Consistent with other Sections of the Zoning Code that require building-forward design, and to accommodate a developer who may wish to locate a new building

on the property line, staff recommends that a cross-reference be included in this Table that refers to the front yard buffer standards in the Landscaping Division (10-50.60). Note that an amendment to Section 10-50.60.040.B (Non-Residential Zone Buffers) is also proposed. The addition of the word use clarifies that the side setback is measured to an adjacent residential use rather than a zone.

End Notes

¹⁰ [Except that the setback from a proposed residential use in a commercial zone to other residential uses shall be 5' min.](#)

Staff recommends that when a residential use is proposed in a commercial zone it is appropriate to reduce the side setback to adjoining residential uses to 5' min.

Building Form Requirements	SC	CC	HC	CS	CB
Building Height (max.)	23 5'	60' ⁴ 11	60' ⁴	60' ⁴	60' ⁴
Gross FAR (max.)	0.8⁵	2.5⁵	3.0⁵	2.0⁵	No max.

Staff recommends that the maximum building height in the SC Zone should be increased because this is consistent with the overall height requirement of residential zones (which are the most likely zones surrounding a SC Zone). The former LDC allowed a total height of 35 feet for mixed use with two floors. This is also the maximum height for a Live/Work Unit, which is allowed in the SC Zone.

As the standards for FAR are building form standards and not density requirements, it is recommended that the Gross FAR row be moved into the Building Form Requirements section of this table.

End Notes

¹¹ [Single-family dwellings and duplexes in the CC Zone shall be subject to the development standards established in the R1 Zone.](#)

This end note is needed to ensure that single-family dwellings (which are proposed to be allowed as a permitted use in the CC Zone – see Page 8) are not constructed 60 feet in height. Max. building height in the R1 Zone is 35 feet.

Density Requirements

	SC	CC	HC	CS	CB
Gross Density (units/acre) (max.) (Not applicable to Mixed Use)	13	13	13	13	13
	-----Refer to HR Zone-----				
Gross FAR (max.)	0.8⁵	2.5⁵	3.0⁵	2.0⁵	No max.

The statement about mixed use clarifies that mixed use is not subject to density standards. This is because as stated in Section 10-40.60.250 (Mixed Use), only FAR standards apply.

The density stated in the current Zoning Code is incorrect because when residential uses are developed in commercial zones, consistent with the LDC, the standards of the HR Zone should be applied. For this reason this correction to the density standard is recommended.

D. Miscellaneous Requirements – All Commercial Zones

- Page 40.30-20

1. Storage shall be limited to accessory storage of commodities sold at retail on the premises and shall be within an enclosed building except as permitted in Section 10-40.60.030.E (Permanent Outdoor Accessory Uses).

This minor amendment provides a needed cross reference to this Section where under certain conditions outdoor storage and display is permitted.

6. The cultivation of vegetable gardens for home use is allowed in all commercial zones where residential uses are permitted.

This simple amendment explicitly states that vegetable gardens are permitted for home use.

10-40.30.050 Industrial Zones

- Page 40.30-21

1. RD

The Research and Development (RD) Zone applies to areas of the City appropriate for the development of a mix of professional and administrative facilities, research and testing institutions, light ~~industrial~~/manufacturing uses, green technology facilities, and offices. The uses are grouped in a campus or park like setting in keeping with the natural scenic beauty of the City. This Zone is intended to promote the provision of ample off street parking, loading areas, and landscape buffers to protect residential and commercial zones from incompatible land uses. In addition, this Zone accommodates residential uses as a secondary use to allow for more housing options.

The RD Zone is better described as including light manufacturing uses rather than light industrial uses consistent with the allowed uses for the Zone established in Table B.

Table 10-40.30.050.B Allowed Uses

- Page 40.30-22

Industrial, Manufacturing, Processing & Wholesaling

	RD	LI	LI-O	HI	HI-O
Construction Storage/Supply Yards	--	P ²	P ²	P	P

The addition of End Note 2 ensures that this use is also screened in the LI and LI-O Zones.

	RD	LI	LI-O	HI	HI-O
<u>Micro-brewery or Micro-distillery</u>	--	P/UP ⁸	P ⁷	--	--

End Notes

⁸ Conditional Use Permit is required if a taproom is associated with the micro-brewery or micro-distillery.

This amendment, originally requested by a local brewery owner, allows for the establishment of a micro-brewery or micro-distillery in the LI and LI-O Zones subject to additional stipulations established in the End Notes.

Also, add the new Section [10-40.60.240](#) in the “Specific Use Regulations” column. Renumber all following Sections and check for and correct all cross references.

	RD	LI	LI-O	HI	HI-O
Outdoor Storage or Display	P ²	P ²	P ²	P²	P²

Staff recommends that consistent with other uses permitted in the HI and HI-O Zones where no screening requirements apply to outdoor storage and display, End Note #2 may be removed.

Recreation, Education, & Assembly

	RD	LI	LI-O	HI	HI-O
Indoor Commercial Recreation	--	--	UP⁷	--	--
Trade Schools	UP	P	P	P	P

On June 21, 2011 when Council was approving final amendments to Chapter 10-80 (Definitions) “Fitness Facilities” was included as an example of general services use in the General Services definition on Page 80.20-35 under the Personal Services column of this table. This use was inadvertently omitted and not included within the final Zoning Code when it was published. On reflection though, and based on staff discussion, it is suggested that it would be cleaner and better practice to instead include the “Indoor Commercial Recreation” use in the LI-O zone (this was previously the LI Zone in the LDC subject to performance standards) as it provides for fitness facilities as well as other indoor recreation uses. The End Note #7 is important as it provides a limitation on the amount of commercial uses that can be established in an industrial zone consistent with the former LDC and the Regional Plan.

Staff recommends that because Trade Schools are allowed in the LI and LI-O Zones, it is also appropriate to allow this use in the HI and HI-O Zones.

Table 10-40.30.050.B Allowed Uses (continued)

- Page 40.30-23

Retail Trade

	RD	LI	LI-O	HI	HI-O
Drive-Through Retail	P ⁴	--	UP⁷	--	--
General Retail Business	P⁴	UP	UP⁷	UP	UP ⁷
Heavy Retail/Service	--	--	UP⁷	--	UP ⁷
Restaurant or Café	P ⁴	UP	UP⁷	--	UP ⁷

Staff recommends that the need for Conditional Use Permit approval for these retail uses in the LI-O Zone is not necessary as this Zone is intended for these uses.

Staff further recommends that End Note #4 should be added to the RD zone for general retail business uses as it was erroneously omitted when the Code was drafted. This End Note provides a limit on the amount of retail uses (10% of the primary use).

Services

	RD	LI	LI-O	HI	HI-O
Adult Entertainment	P	P	P ^Z	P	P ^Z
Crematorium	--	P	P ^Z	P	P ^Z
Kennel, Animal Boarding	UP	UP	UP ^Z	UP	UP ^Z
Medical Marijuana Offsite Cultivation Location	--	P	P ^Z	P	P ^Z

The End Note #7 is important as it provides a limitation on the amount of commercial uses that can be established in an industrial zone. This is consistent with similar non-industrial uses listed in the LI-O and HI-O Zones and with the standards in the former LDC and the goals and policies in the former and current Regional Plan.

Table 10-40.30.050.B Allowed Uses (continued)

- Page 40.30-23

Residential

	RD	LI	LI-O	HI	HI-O
Live/Work	P	P	P ^Z	--	--

The End Note #7 is important as it provides a limitation on the amount of commercial uses that can be established in an industrial zone consistent with goals and policies in the former LDC and the former and current Regional Plan.

Table 10-40.40.040.C Building Form Standards

- Page 40.30-25

Building Form Requirements	RD	LI/LI-O	HI/HI-O
Building Height (max.)	60' ²	60' ²	60' ²
Coverage (max.)	25%	--	--
Gross FAR (max.)	0.5	1.5 ³	2.5 ³
Density Requirements	RD	LI/LI-O	HI/HI-O
Gross FAR (max.)	0.5	1.5³	2.5³

Consistent with the change made in the commercial zones, Gross FAR has been moved from the Density Requirements section of this table to the Building Form Requirements section of the table where it is more logically placed. Note that the Density Requirements section of this table may, therefore, be deleted.

10-40.30.060 Public and Open Space Zones

Table 10-40.30.060.B Allowed Uses

- Page 40.30-28

<u>Retail Trade</u>	PF ²	PLF	POS
<u>Farmers Markets and Flea Markets</u>	<u>P</u>	<u>--</u>	<u>--</u>

This amendment will enable the establishment of a farmers market or flea market in the Public Facility Zone. As many properties zoned PF are owned by the City, if somebody desired to establish a farmers market or flea market they would need a Special Event Permit issued by the City's Recreation Services Section.

Division 10-40.40: Transect Zones

10-40.40.050 and -060 T3N.1 and T3N.2 Neighborhood (T3N.1 and T3N.2) Standards

- Page 40.40-15 and 40.40-21

Table F. Required Parking

<u>Retail Trade</u> , Services Uses	2 spaces/1,000 sf min.
-------------------------------------	------------------------

A parking standard for the retail trade use was inadvertently omitted from this table. It is necessary because retail trade uses are permitted in these transect zones.

10-40.40.050 and -060 T3N.1 and T3N.2 Neighborhood (T3N.1 and T3N.2) Standards

- Page 40.40-17 and 40.40-23

Table H. Allowed Uses

Residential	T3
Dwelling, Secondary Single family	P
Rooming and Boarding Facilities	Dormitories
and Fraternities/Sororities	

The Secondary Single-family Dwelling Section (10-40.60.300) refers to a process for subdividing a property, rather than a use or building type, and as such it should be removed from this Section. Consistent with the amendments proposed in Section 10-40.30.030 (Residential Zones), the rooming and boarding facility use has been deleted and the uses included within it have been listed separately. SROs are only allowed in those zones where lodging uses are permitted, and therefore, are not permitted in T3N.1 and T3N.2 Transect Zones.

10-40.40.070 T4N.1 Neighborhood (T4N.1) Standards

- Page 40.40-26

Table D. Building Placement

Setback (Distance from ROW/Property Line)

Side ²	5' min.; 1 25 ' combined
-------------------	-------------------------------------

Staff recommends that the combined side setback standard should be reduced from 15 feet to 12 feet to provide more flexibility for the placement of buildings in the T4N.1 Transect Zone.

10-40.40.070 and -080 T4N.1 and T4N.2 Neighborhood (T4N.1 and T4N.2) Standards

- Page 40.40-29 and 40.40-35

Table I. Allowed Uses

Residential	T4N.1	T4N.1-O
Dwelling, Secondary Single family	P	P
Rooming and Boarding Facilities	Dormitories	
Fraternities/Sororities and SRO (≤ 15 rooms)	UP	UP

The Secondary Single-family Dwelling Section (10-40.60.300) refers to a process for subdividing a property, rather than a use or building type, and as such it should be removed from this Section.

Consistent with the amendments proposed in Section 10-40.30.030 (Residential Zones), the rooming and boarding facility use has been deleted and the uses included within it have been listed separately. SROs are only allowed in those zones where lodging uses are permitted, and therefore, are only permitted in T4N.1 and T4N.1-O Transect Zones where lodging uses are max. 15 rooms.

10-40.40.070 T4N.1 Neighborhood (T4N.1) Standards

- Page 40.40-29

Table I. Allowed Uses (Continued)

Retail Trade	T4N.1	T4N.1-O
Bars/Taverns	-	P
Micro-brewery/Micro-distillery	-	P

Staff recommends that micro-breweries and micro-distilleries should also be permitted in the T4N.1 Zone consistent with bars and taverns which are already allowed.

10-40.40.080 T4N.2 Neighborhood (T4N.2) Standards

- Page 40.40-35

Table I. Allowed Uses

Residential	T4N.2	T4N.2-O
Rooming and Boarding Facilities Dormitories, Fraternities/Sororities and SROs	UP	UP

Consistent with the amendments proposed in Section 10-40.30.030 (Residential Zones), the rooming and boarding facility use has been deleted and the uses included within it have been listed separately. SROs are permitted in the T4N.2 and T4N.2-O Transect Zones as lodging uses are permitted.

Table I. Allowed Uses (Continued)

Retail Trade	T4N.2	T4N.2-O
Bars/Taverns	-	P
Micro-brewery/Micro-distillery	-	P

Staff recommends that micro-breweries and micro-distilleries should also be permitted in the T4N.2 Zone consistent with bars and taverns which are already allowed.

10-40.40.090 T5 Main Street (T5) Standards

- Page 40.40-39

Table E. Encroachments and Frontage Types

Allowed Private Frontage Types

Add Terrace Shopfront to this table.

The terrace shopfront frontage type is appropriate in the T5 Transect Zone consistent with Table 10-50.120.020.A (Private Frontages General).

- Page 40.40-41

Table I. Allowed Uses

Residential	T5	T5-O
Rooming and Boarding Facilities Dormitories Fraternities/Sororities and SROs	UP ⁴	UP

Consistent with the amendments proposed in Section 10-40.30.030 (Residential Zones), the rooming and boarding facility use has been deleted and the uses included within it have been listed separately. SROs are permitted in the T5 and T5-O Transect Zones as lodging uses are permitted.

Retail Trade	T5	T5-O
Bars/Taverns	P	P
Micro-brewery/Micro-distillery	P	P

Staff recommends that micro-breweries and micro-distilleries should also be permitted in the T4N.1 Zone consistent with bars and taverns which are already allowed.

10-40.40.100 T6 Downtown (T6) Standards

- Page 40.40-45

Table E. Encroachments and Frontage Types

Allowed Private Frontage Types

Remove Stoop from this table.

A stoop is not an appropriate frontage type in the T6 Transect Zone and was included in this table in error. This correction also ensures consistency with Table 10-50.120.020.A (Private Frontages General).

- Page 40.40-41

Table I. Allowed Uses

Residential	T6
Rooming and Boarding Facilities Dormitories Fraternities/Sororities and SROs	UP ⁴

Consistent with the amendments proposed in Section 10-40.30.030 (Residential Zones), the rooming and boarding facility use has been deleted and the uses included within it have been listed separately. SROs are permitted in the T6 Transect Zone as lodging uses are permitted.

- Page 40.40-47

Table H. Allowed Uses (Continued)

Retail Trade

Micro-brewery and Micro-distillery	P
--	-------------------

Consistent with revisions made in the Commercial Business (CB) Zone (refer to Section 10-40.30.040) staff recommends that should also be permitted in the T6 Transect Zone consistent with bars and taverns which are already allowed.

- Page 40.40-48

Services

Office

P⁻⁴

Staff recommends that End Note #4 should be removed as in the downtown it may be appropriate to have offices on the ground floor. A good example of such an office use is the proposed new magistrate court building.

Transportation & Infrastructure

Passenger Transportation
Facilities

P⁻⁴⁸

End Notes

⁸ Passenger facilities shall be on the ground floor with access to a public street or a public space.

Staff recommends that End Note 4 should be removed and a new end Note 8 added as in the downtown it would be appropriate to have passenger facilities associated with a passenger transportation facility on the ground floor with access to a public street or public space.

Amendments that apply to multiple Transect Zones:

A comparison of Table 10-50.110.030.A in Division 10-50.110 (Specific to Building Types) revealed inconsistencies between the Table A and the Allowed Building Type Tables in most of the Transect Zones. While these are technically clerical errors, they are identified here as the amendment will allow the addition of a building type into the following transect zones:

- Page 40.40-13

10-40.40.050 T3N.1 Neighborhood (T3N.1) Standards

Table B. Allowed Building Types¹

Add Single-Family Cottage to this table.

- Page 40.40-25

10-40.40.070 T4N.1 Neighborhood (T4N.1) Standards

Table C. Allowed Building Types¹

Add Single-Family Cottage and Courtyard Apartment to this table.

- Page 40.40-31

10-40.40.080 T4N.2 Neighborhood (T4N.2) Standards

Table C. Allowed Building Types¹

Add Courtyard Apartment, Apartment Building and Commercial Block to this table.

- Page 40.40-37

10-40.40.090 T5 Main Street (T5) Standards

Table C. Allowed Building Types¹

Add Apartment House and Apartment Building to this table.

- Page 40.40-43

10-40.40.100 T6 Downtown (T6) Standards

Table B. Allowed Building Types¹

Add Live/Work to this table.

Table D. Building Form^{1 2 3}

Applicable to Transect Zones: T2, T5, and T6

End Notes

¹ See Divisions [10-50.30 \(Building Height\)](#) and 10-50.110 (Specific to Building Types) for additional building form regulations.

Applicable to Transect Zones: T3N.1

End Notes

³ See Divisions [10-50.30 \(Building Height\)](#) and 10-50.110 (Specific to Building Types) for additional building form regulations.

Applicable to Transect Zones: T3N.2, T4N.1, and T4N.2

End Notes

³ See Divisions [10-50.30 \(Building Height\)](#) and 10-50.110 (Specific to Building Types) for additional building form regulations.

These minor amendments establish a cross reference to Division 10-50.30 (Building Height) where additional standards for building height applicable to transect zones are established.

Table H. Allowed Uses

Transect Zones – T3N.1, T3N.2, T4N.1, T4N.2, T5, and T6:

Add Greenhouses as a Permitted use in these transect zones.

Accessory structures are allowed in all of these transect zones. This simple amendment explicitly states that green houses as an accessory structure are permitted. In the T5 and T6 Transect Zones where space may be at a premium, the greenhouse could be placed on the roof.

Transect Zones – T3N.1, T3N.2, T4N.1, and T4N.2:

Change Dwelling: ~~Two-family~~ to [Duplex](#) in these transect zones consistent with the remainder of the Zoning Code.

Transect Zones – T5 and T6:

Add Community Gardens as a Permitted use in these transect zones.

Community gardens are permitted in the Commercial Services (CS) and Central Business (CB) Non-Transect Zones. This simple amendment provides consistency.

Division 10-40.60: Specific to Uses

10-40.60.010 Purpose and Applicability

- Page 40.60-2

Table 10-40.60.010.A Zone Applicability

Add [Micro-brewery and Micro-distillery](#).

This amendment ensures consistency with changes made in this Division by adding new standards for a micro-brewery or micro-distillery.

10-40.60.020 Accessory Buildings and Structures

- Page 40.60-3
- A. **Applicability**

Accessory buildings and structures shall be permitted in all zones in compliance with this Section, provided each is incidental and subordinate to the principal use or structure. There must be a primary use established and either a principal structure on the parcel or a building permit for a principal structure issued prior to, or simultaneously with, the issuance of a building permit for an accessory building or structure. Children's play houses and tree houses ~~that do not exceed 120~~ less than 200 square feet in floor area are not considered accessory structures and do not require a Building Permit. Sheds less than or equal to ~~120~~ 200 square feet in floor area also do not require a Building Permit.

This amendment is proposed to ensure that the Zoning Code is consistent with the adopted Building Code for the City (2012 International Building Code) which only requires a building permit for structures 200 sq. ft. or more in area.

- Page 40.60-5

Table 10-40.60.020.A: Accessory Structure Height and Location Standards

Table 10-40.60.020.A: Accessory Structure Height and Location Standards	
Location	<u>Max.</u> Height (feet)
Non-livable structures (e.g. garage, workshop, carport, shed, greenhouse)	
Within Buildable Area	24'
Min. 5' Setback to Rear and <u>On</u> Interior Side Property Line, and <u>0' Setback to</u> On Rear Property Line with Alley ¹	16'
Livable structures (e.g. ADU, studio or home office)²	
Within Buildable Area	24'
Min. 5' Setback to Rear and on Interior Side Property Line	16'

This minor amendment clarifies and simplifies existing confusing language in this table to ensure that a 5-foot setback is maintained to an interior side property line.

- Page 40.60-5

D. Temporary and Permanent Storage Containers

1. Residential Zones

The following standards apply to the temporary and permanent use of storage containers located in all residential zones.

a. Temporary Use

- (1) In the case of fire, flood, or other emergency situation, storage containers may be placed, stored, or used for temporary storage on property zoned for residential use, provided the owner has applied for ~~obtained~~ a Temporary Use Permit from the Director within three days of the emergency. The duration of the temporary storage use shall be limited to a maximum of 90 days within a calendar year, with the option to renew the permit one time, for a period not to exceed 90 days.

This amendment ensures that in the event of an emergency a Temporary Use Permit only needs to be “applied for” within three days, not “obtained” which implies that it has to be submitted, reviewed, approved, and issued within that time frame, which is not practical.

Note that the same language needs to be amended in the following sections:

- Paragraph 2., **Commercial and Research and Development Zones**, subparagraph a. (1) on Page 40.60.6
- Paragraph 3., **Industrial and Public Lands Zones**, subparagraph a. (1) on Page 40.60.8.

10-40.60.030 Accessory Dwelling Units

- Page 40.60-11

Table 10-40.60.030.A Design and Development Standards

Size	An ADU, excluding any garage or carport area and other non-living areas such as workshops or greenhouses, shall not exceed 33% of total floor area of principal residence and ADU combined. The ADU shall be no less than 300 square feet in gross floor area and shall not exceed 600 square feet in gross floor area, except that on residential lots one acre or more in size, the area of an ADU may be increased to a maximum of 1,000 square feet. The area of ADUs that utilize alternative green construction methods that cause the exterior wall thickness to be greater than normal shall be measured based on the interior dimensions of the walls.
-------------	--

Staff recommends that the maximum percentage requirement should be eliminated as we have reviewed projects where this standard has precluded the construction of an ADU on a lot with a small house.

- Page 40.60-12

Table 10-40.60.030.A Design and Development Standards

Building Form Standards	ADUs shall meet the same building form standards as a principal building in the zone. See Table 10-40.60.020.A (Accessory Structure Height and Location Standards).
--------------------------------	---

This minor amendment provides an important cross reference.

Table 10-40.60.030.B Building Form Standards Exceptions¹

- Page 40.60-12

	Parcel/Lot Size (Min.)	Setback (Min.)
Detached	67 ,000 sf	In compliance with Table 10-40.60.020.A

This amendment ensures consistency with the minimum lot size for residential zones. This is a smaller standard which may make it easier to establish an Accessory Dwelling Unit.

10-40.60.030 Accessory Dwelling Units

- Page 40.60-13

E. Findings for Approval of ADUs

6. Major access stairs, decks, entry doors, and major windows on [one and](#) one-half and two story structures face the primary residence to the maximum extent it is feasible, or the rear alley, if applicable. Windows that face neighboring side or

rear setbacks are installed so the bottom of the window is a minimum of six feet above the floor.

This minor amendment corrects an error in this sentence which as written did not make sense.

10-40.60.070 Animal Keeping

- Page 40.60-24

Standards for the keeping of animals, including but not limited to, hoofed animals, fowl, and bee keeping, ~~domestic animals, hoofed animals and fowl~~, are provided in City Code ~~Title 7 (Health and Sanitation)~~ Chapter 6-03 (Animal Keeping).

This amendment provides the correct cross reference to the Animal Keeping provisions in the City Code which is being updated by staff from the Sustainability Program for submittal to the Council for adoption later this year.

10-40.60.110 Bed and Breakfasts

- Page 40.60-25

~~A bed and breakfast may only provide commercial lodging for guests in up to four bedrooms within a single family residence.~~

A. A bed and breakfast shall be operated by the property owner/manager living on the site.

B. Bed and breakfasts shall be limited to a maximum of four guest bedrooms, plus accommodations for the property owner/manager.

C. Food may only be served to registered overnight guests. Guest room cooking facilities are prohibited.

D. Parking shall be provided in compliance with Division 10-50.80 (Parking Standards).

E. Signs shall comply with the standards established in Division 10-50.100 (Sign Standards).

These amendments provide clearer standards for bed and breakfasts. The definition of a bed and breakfast in Chapter 10-80 has also been corrected.

10-40.60.140 Community Gardens

- Page 40.60-28

B. Community gardens are subject to the following regulations:

4. No building or structures shall be permitted on the site, with the exception of the following:

a. Sheds for storage of tools limited in size to 200~~120~~ square feet;

b. Greenhouses, limited in size to 200~~120~~ square feet and designed in compliance with setbacks for accessory structures, consisting of buildings made of glass, plastic or fiberglass in which plants are cultivated; and,

This amendment increases the area limitation for sheds and greenhouses from 120 sq. ft. to 200 sq. ft. consistent with the Building Code's threshold for when a building permit is required.

7. The sale of fresh produce and cottage foods (i.e. baked, pickled, canned or similarly produced foods grown in the community garden) is permitted subject to compliance with all state and local regulations and the issuance of a Temporary Use Permit (see Section 10-20.40.150 (Temporary Use Permits)).

Consistent with the standards now in effect in many US cities, this amendment allows for the sale of produce grown in a community garden.

10-40.60.160 Drive-through Retail or Service Facility

- Page 40.60-31

A. Design Objectives

A drive-through retail or service facility shall only be permitted if the Director first determines that the design and operation will avoid congestion, excessive pavement, litter, and noise.

B. Limitation on Location

The drive-through shall only be located along the ~~retail~~ building's façade away from a street frontage.

C. On-site Circulation Standards

The drive-through retail or service facility shall be provided internal circulation and traffic control as follows.

1. Drive-through Aisle Design

- a. The entrance/exit of any drive-through aisle shall be a minimum of 50 feet from an intersection of public rights-of-way (measured at the closest intersecting curbs).
- b. The drive-through aisle shall be designed with a minimum 10-foot interior radius at curves and a minimum 10-foot width.
- c. The drive-through aisle shall not be located between a property line and the front of the building.

These minor amendments ensure that these standards apply to both drive-through retail (e.g. fast food restaurant) and service (e.g. bank) facilities.

C. On-site Circulation Standards

~~6. Exceptions~~

~~The Director may approve alternatives to the requirements of Subsections C.1 through C.3 upon finding that the alternate design will, given the characteristics of the site, be equally effective in ensuring on- and off-site pedestrian and vehicular traffic safety and minimizing traffic congestion.~~

67. Visual Buffer

Move the language shown deleted above from this Chapter to Section 10-20.40.090 (Minor Modifications to Development Standards) and renumber the following paragraph.

10-40.60.180 Home Occupations

- Page 40.60-33

E. No stock, goods, and/or materials shall be displayed or sold at the location of the home occupation, except as permitted in Subsection F. below, provided that this provision shall not be interpreted to prevent pick up of orders made either through the telephone or at sales meetings outside of the dwelling in which the home occupation is located.

F. The sale of fresh produce and cottage foods (i.e. baked, pickled, canned or similarly produced foods grown in a vegetable garden at the location of the home occupation) is permitted subject to compliance with all state and local regulations.

~~F.G.~~ No outdoor display or storage of materials, goods, supplies, or equipment shall be permitted in connection with a home occupation.

I. The home occupation shall not be conducted in such a manner or advertised in such a way as to generate more pedestrian or vehicular traffic than typical for the zone within which it is located based on the standards in the current edition of the Trip Generation Manual published by the Institute of Transportation Engineers.

P. No home occupation permit is needed for a business located within a residence in any commercial zone.

*A growing number of US cities allow the sale of fresh produce grown within a vegetable garden at a residence as a home occupation. This amendment permits these sales.
The amendment in paragraph I. provides an appropriate cross-reference to the standards used by the City Engineering Section to determine total daily trips for various land uses.
Also, the minor amendment in paragraph P. clarifies that no home occupation permit is needed for a business in a residence in a commercial zone.*

10-40.60.210 Manufactured Homes

- Page 40.60-40

C. Manufactured Home Subdivisions

Additional standards for manufactured home subdivisions are included in City Code, Chapter 11-20 (Subdivision and Land Split Regulations).

~~1.—Recreational facilities incidental to a manufactured home shall be permitted in manufactured home subdivisions as accessory structures.~~

~~2.—No more than one manufactured home unit is permitted per lot in a subdivision.~~

~~3.—The preliminary plat for a manufactured home subdivision shall include the dimensions of the buildable area within each lot.~~

~~4. Not less than 10 percent of the gross site area shall be reserved for common areas or open space. The ownership of the common area shall be transferred to a homeowners association. As an option, an applicant may request that the open space requirement be waived if an additional minimum of 10 percent of the total number of lots are provided as developable permanently affordable lots (See Section 10-30.20.040.B.6).~~

On the recommendation of the City Attorney, the text shown as deleted above should rather be included in the Subdivision Regulations (City Code Title 11) than here in the Zoning Code, as they are specific to manufactured home subdivisions.

10-40.60.220 Medical Marijuana Uses

- Page 40.60-45

G. A medical marijuana ~~dispensary~~ offsite cultivation location not associated with a medical marijuana dispensary located in Flagstaff is prohibited ~~in Flagstaff~~.

This amendment clarifies the intent of this paragraph and removes the ambiguity in the existing sentence to ensure that an offsite medical marijuana cultivation location in Flagstaff must be associated with a medical marijuana dispensary located in Flagstaff, i.e. an offsite cultivation location in Flagstaff may not provide medical marijuana to a dispensary located elsewhere in the state. This was the intent of this section when originally adopted.

10-40.60.230 Meeting Facilities, Public and Private

- Page 40.60-46

B. Neighborhood Meeting Facilities

1. Neighborhood meeting facilities include such uses as small community centers, social halls, union halls, and clubs that directly service the surrounding residential neighborhood.
2. Neighborhood meeting facilities are limited to less than 250 seats. Such facilities with 250 seats or more shall require a Conditional Use Permit in compliance with Section 10-20.40.050 (Conditional Use Permits).
3. A Conditional Use Permit ~~shall be required~~ in compliance with Section 10-20.40.050 (Conditional Use Permits) is also required to serve alcohol in a meeting facility in a residential or commercial zone.

The amendment proposed in paragraph 2 above acknowledges the standards established in Table 10-40.30.030.B (Allowed Uses) in which neighborhood meeting facilities over 250 seats are permitted subject to the approval of a Conditional Use Permit.

10-40.60.240 Micro-brewery or Micro-distillery

- Page 40.60-46

Micro-breweries and micro-distilleries shall meet the following development and performance standards:

A. Micro-breweries and micro-distilleries shall comply with all applicable state and local regulations.

- B. A taproom is permitted within the micro-brewery or micro-distillery where customers for a fee may sample and consume the product without food service. The taproom shall be no more than 15 percent of the gross floor area of the structures on the premises.
- C. An eating and drinking establishment is permitted as an accessory use to the micro-brewery or micro-distillery provided that eating and drinking establishment shall be limited to 25 percent of the gross floor area of the structures on the premises.
- D. Parking shall be provided in compliance with Division 10-50.80 (Parking Standards).

This amendment provides development standards for a micro-brewery or micro-distillery. The taproom is intended to allow for the sampling and consumption of the beer or spirits without any food service. This is different from a larger eating and drinking use associated with the micro-brewery or micro-distillery where food and beverages made on site may be purchased and consumed.

Also, renumber all following Sections and check for and correct all cross references.

10-40.60.250 Mixed Use

- Page 40.60-47

A. Purpose

The Regional Plan promotes the concept of a more compact development pattern for the City by mapping and describing activity centers in urban, suburban, and rural area types, and encouraging mixed-use development. Mixed use is intended to encourage reinvestment of under-utilized parcels and infill development of vacant parcels with a compatible and balanced mix of residential, commercial, and institutional uses within close proximity to each other, rather than the separation of uses. Mixed use is also encouraged in new developments in Greenfield locations. Mixed-use developments in order to foster pedestrian-oriented residential and commercial development by providing more housing options, reducing traffic congestion, providing a stronger economy in commercial areas, and encouraging pedestrian trips. Mixed use also has the potential to provide increased opportunities for affordable housing. In order to accomplish these goals, higher intensities of land use are permitted for mixed-use structures than for the individual uses permitted in a zone.

These amendments expand the purpose of the Mixed Use Section of the Code to add emphasis to reinvestment possibilities and to clarify the benefits of mixed use.

B. ~~General~~Mix of Uses

1. A mixed-use development combines residential and nonresidential uses, or different types of nonresidential uses, on the same site, with the residential units either typically located above the nonresidential uses (vertical mixed use) or Residential units may be allowed at ground level behind street-fronting non-residential uses (horizontal mixed use) only under the limited circumstances specified by this Section. Upper floors may also be occupied by office uses. Examples of vertical and horizontal mixed use are illustrated given in Figure A.
2. A use on the ground floor must be different from a use on an upper floor. The second floor may be designed to have the same use as the ground floor provided

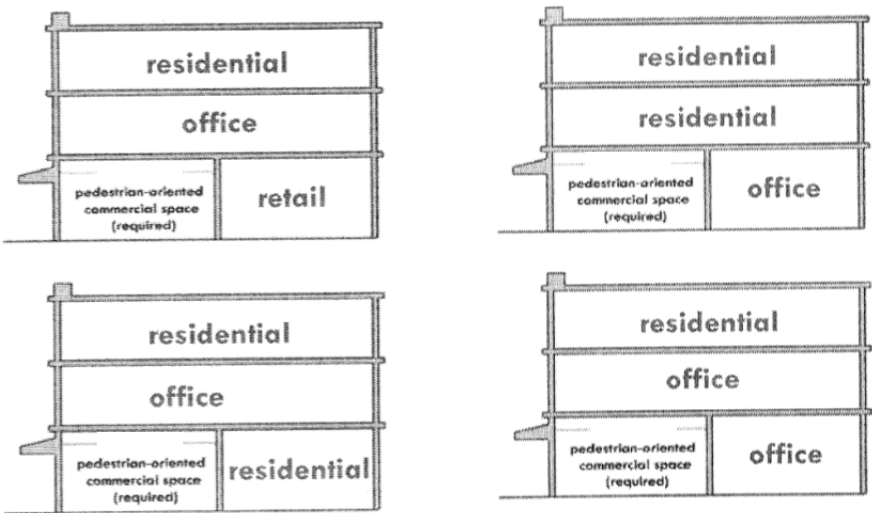
there is at least one more floor above the second floor that has a different use from the first two floors. At least one of the floors shall contain residential units. See Figure B.

31. Mixed-use development shall incorporate a minimum of two uses.
4. The minimum depths of pedestrian-oriented commercial space in mixed-use developments within activity centers determined in the Regional Plan are provided in Table A:

Table 10-40.60.250.A: Standards for Pedestrian-Oriented Commercial Space	
Activity Center	Min. Depth of Pedestrian-Oriented Commercial Space
Urban Activity Center	20' Min.
All other locations	60' Min.

(P&Z) Staff originally suggested a minimum depth of 24 feet for pedestrian-oriented commercial space in urban activity centers and 60 feet for such spaces in suburban and rural activity centers. Some members of the Commission correctly pointed out that not all mixed-use developments would occur in an activity center, and that they could occur in parts of the Sunnyside or Southside neighborhoods, or along any arterial such as Route 66. The Commission also recommended reducing the depth of the commercial space in an activity center to 20 feet.

- ~~2. Residential uses are not required to be part of the mixed-use development.~~
53. If any one of the uses of the mixed-use development requires the approval of a Conditional Use Permit then the development in its entirety shall be subject to the Conditional Use Permit ~~in compliance with~~ (see Section 10-20.40.050 (Conditional Use Permits)).
64. Only uses allowed in the underlying zone shall be permitted in the mixed-use development.



[Figure B. Examples of use mixes that meet the requirements of Subsection B. \(Mix of Uses\)](#)

The amendments proposed in this Subsection provide clarification and eliminate redundancy. The inclusion of Figure B helps to illustrate examples of mixed use in a building scaled to Flagstaff's form and character, and clarify that mixed use should include some residential dwelling units. Further, the amendments provide a cross-reference to the activity centers described in the Regional Plan and based on the area type in which the activity centers are located, minimum depth standards for pedestrian-oriented commercial space are established.

- Page 40.60-49

~~D. Mix of Uses~~

~~— A mixed-use development may combine residential uses with any other use allowed in the applicable zone where allowed by Division 10-40.30 (Non-Transect Zones) in compliance with Subsection B.~~

This Subsection is redundant (it is included in new paragraph 5. above) and may, therefore, be deleted.

- Page 40.60-49

E. Site Layout and Development Design Standards

Each proposed mixed-use development shall comply with the property development standards of the applicable zone, and the requirements of Table [B](#)~~A~~ (Site Layout and Development Design Standards).

Table 10-40.60.250.BA: Site Layout and Development Design Standards

<u>Pedestrian-oriented Commercial Space</u>	<u>(1) Pedestrian-oriented commercial space includes a lobby serving other uses in the building or uses not open to the general public (e.g. a private gymnasium).</u> <u>(2) Ground floor commercial space shall have a customer entrance opening directly onto the sidewalk.</u> <u>(3) Depth of the ground floor commercial space must be no less than the standard established in Table A.</u> <u>(4) Floor to ceiling height of the ground floor commercial space of min. 14 feet.</u> <u>(5) Private frontage must be in compliance with Division 10-50.120 (Specific to Private Frontages) as determined by the Director.</u>
Location of <u>Residential Units</u> ¹	Residential units shall not occupy <u>the</u> ground floor street frontage space adjacent to a <u>primary public or private street</u> . The ground floor street frontage space within a mixed-use building shall be reserved for commercial uses, except for a lobby or other entry feature providing access to the residential units.
Parking	To encourage the development of residential uses in existing and new commercial areas, the use of shared parking provisions shall be incorporated into mixed-use developments in compliance with Section 10-50.80.060 (Parking Adjustments).
Loading Areas	Commercial loading areas shall be located away from residential units and shall be screened from view from the residential portion of the development to the maximum extent feasible, in compliance with Table 10-50.60.040.B (Buffer and Screening Requirements).
Refuse and Recycling Areas	Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and nonresidential uses.
Open Space	A mixed-use development shall be designed to provide residential uses with common or private open space, which may be in the form of roof gardens, individual balconies, or other means as approved by the Director.

End Notes

¹ The Director may waive or modify the requirement for pedestrian-oriented commercial space on the ground floor of a mixed use building. See Section 10-20.40.090 (Minor Modifications to Development Standards).

The inclusion of this new row into Table 10-40.60.260.A establishes appropriate standards for pedestrian-oriented commercial spaces on the ground floor of a mixed-use building. It will help staff to review and approve such a building based on clearly defined standards, which are currently absent.

(P&Z) Following discussion and a suggestion from the Commission at the June 10th hearing, the new End Note #1 has been added to provide the Director with flexibility to waive or modify this requirement under the Minor Modification of Development Standards provision of the Code.

10-40.60.260 Outdoor Commercial Recreation Structures

- Page 40.60-50

Outdoor structures such as bleachers, movie screens, permanent rides, and outdoor seating areas shall be a minimum of 100 feet from any ~~property~~~~setback~~ line.

This standard from the former LDC was incorrectly stated in the Zoning Code. The placement of outdoor structures should be measured from a property line rather than a setback line.

10-40.60.270 Planned Residential Development

- Page 40.60-50

A. Applicability

1. This Section provides a mechanism to allow the building types listed in Table A below (See Division 10-50.110 (Specific to Building Types) for additional standards) in the non-transect zones and for achieving gross densities on undeveloped lands where substantial natural resources are present on the site. (See Division 10-50.90 (Resource Protection Standards)).
2. Affordable housing developments (Refer to Division 10-30.20) may utilize Planned Residential Development standards in any zone where residential uses are allowed.
3. Site Plan Review and Approval (Refer to Section 10-20.40.140) is required for all building types that include ~~three~~~~two~~ or more units, including the ~~duplex~~, bungalow court, townhouse, apartment house, courtyard apartment and commercial block building types.

This amendment ensures consistency with the Building Code and other proposed amendments to the Zoning Code regarding review thresholds for site plan review and approval.

B. Building Types for Planned Residential Development

1. Planned Residential Developments may integrate different building types as identified in Table A (Planned Residential Development Building Type Options); ~~however, they~~ Planned Residential Developments shall be planned ~~with as~~ an integrated site plan ~~ning process as under~~ one comprehensive development or as a Traditional Neighborhood Community Plan in compliance with Division 10-30.80 (Traditional Neighborhood Community Plans).

2. Building Types not Specifically Listed

- a. The Director may approve the integration of building types not specifically listed in Table A provided that the building type:
 - i. Meets the intent of the zone;
 - ii. Is compatible with the form, scale and character of other on-site buildings; and
 - iii. Is compatible within the context of existing and proposed development in the vicinity of the site. ~~For example, within a MR~~

~~or HR Zone or the commercial zones, an apartment building is also an appropriate building type.~~

- b. An example of a building type that is appropriate in a non-transect zone such as the MR or HR Zone or any of the commercial zones is an apartment building more typically associated with suburban environments described in Section P.040 (Classifications of Different Types of Places in Flagstaff, Subsection C. (Driveable Suburban)).

This amendment provides criteria to assist the Director with the approval of building types not specifically listed in Table A.

3. Determination of Building Types

- a. The building types that may be utilized in the non-transect zones as a Planned Residential Development are established in Division 10-50.110 (Building Types).
- b. Each Section of Division 10-50.110 establishes unique standards for each building type, including lot size, number of units, pedestrian and vehicle access, allowed frontages, etc.
- c. Building placement and form standards (i.e. building height, setbacks, etc.) for the building types selected for development as a Planned Residential Development are determined by the transect zone in which the building type is permitted from Table 10-50.100.030.A (Building Types General). When a building type is allowed in more than one transect zone, the Director shall determine which transect zone's building placement and form standards should apply based on the form, character and scale of existing and proposed development, and the compatibility of the proposed building type within the context of existing and proposed development in the vicinity of the site.

This new Subsection provides an explanation of where to find the standards for a selected building type as this is not clear in the existing Zoning Code.

Table 10-40.60.270.A: Planned Residential Development Building Type Options											
Building Type	Residential Zones						Commercial Zones				
	See Section 10-40.30.030.C for Building Form Standards						See Section 10-40.30.040.C for Building Form Standards				
	RR	ER	RI	R1N	MR	HR	SC	CC	HC	CS	CB
Carriage House	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	==
Single-family											
Estate	✓	✓	✓	==	==	==	==	==	==	==	==
House	✓	✓	✓	✓	✓	✓	==	✓	==	==	==
Cottage	✓	✓	✓	✓	✓	✓	==	✓	==	==	==
Bungalow Court	✓	✓	✓	✓	✓	✓	==	✓	==	==	==
Duplex											
Side-by-Side	✓	✓	✓	✓	✓	✓	✓	✓	==	==	==
Stacked	✓	✓	✓	✓	✓	✓	✓	✓	==	==	==
Front-and-Back	✓	✓	✓	✓	✓	✓	✓	✓	==	==	==
Stacked Triplex	==	==	==	==	✓	✓	✓	✓	==	==	==
Townhouse	✗	✗	✓	✗	✓	✓	✓	✓	✓	✓	==
Apartment House	✗	✗	✗	✗	✓	✓	✓	✓	✓	✓	==
Courtyard Apartment	✗	✗	✗	✗	✓	✓	✓	✓	✓	✓	==
Apartment Building	==	==	==	==	✓	✓	==	==	✓	==	==
Live/Work	✗	✗	✗	==	✓	✓	✓	✓	✓	✓	✓
Commercial Block	==	==	==	==	✗	✗	==	✓	✓	✓	✓

Table A above has been amended to correct the residential non-transect zones in which certain building types may be applied (e.g., the townhouse, apartment house, or courtyard apartment building types are not appropriate in the low and medium density residential zones where they were originally placed in the current code). Staff recommends this amendment based on the mass and scale of these more “multi-family residential” building types that are certainly appropriate in the MR and HR Zones where they would be compatible with existing building forms, but they are not as compatible with a single-family residence or duplex. This statement is further justified by the underlying density standards in zones such as RR where it is highly unlikely that a property owner would develop, for example, a courtyard apartment building, because the density permitted in this zone is so low (1 dwelling unit per 5 acres). If such a building type was proposed, a zone change to a higher density zone (MR perhaps) would be more logical. Residents of the La Plaza Vieja neighborhood have clearly stated that they do not want to see townhomes or similar buildings in the R1N portion of the neighborhood, and this desire has been documented in the draft La Plaza Vieja Specific Plan.

The table has also been amended to allow various additional building types in the commercial zones.

This table also includes two new building types, the Stacked Triplex and Apartment Building – see the amendments in Division 10-50.110 (Specific to Building Types).

- Page 40.60-51

C. Open Space Requirement

Planned residential developments must designate ~~shall include~~ a minimum of 15 percent of the gross site area as common open space. Such open space can be included ~~that is in addition within to~~ any areas of the site with natural resources such as floodplains, slopes or forests that may be required to be protected as stipulated in Division 10-50.90 (Resource Protection Standards).

This amendment clarifies a standard that is incorrectly stated in the current Code. Rather than stating that required open space is in addition to any protected areas of the site, consistent with the former LDC and current practice established elsewhere in the Zoning Code, required open space is allowed to be included in areas protected for floodplains, slopes or forests.

10-40.60.300 Secondary Single-Family Dwelling

- Page 40.60-57

A. Applicability

This section applies to existing detached residential units (except for Accessory Dwelling Units) established prior to November 5, 2002 on lots located in the MR and HR Zones not subject to the Resource Protection Overlay, and the R1N Zone. Where two existing detached residences are located ~~established~~ on a n-existing lot, following the procedures established in Division 11-10.90 (Modified Subdivision Process) or Division 11-10.100 (Land Splits and Combinations) two new lots may be created subject to the standards provided below.

B. Standards

~~Two detached dwellings may exist and be maintained as principal buildings on a lot that has frontage on, and access to, a public street.~~ If the lot with two existing detached residential units is proposed to be divided pursuant to this Section, each ~~remaining~~ resulting lot shall have frontage on, and/or legal access to, a public street or alley. The following standards in Table A (Secondary Single-Family Dwelling) shall also be met.

Table 10-40.60.300.A: Secondary Single-Family Dwelling

Building Placement Requirements

Existing residential units shall maintain building separation requirements of applicable Sections for the R1N, MR and HR Zones, ~~to the maximum extent feasible.~~

Lots proposed to be divided: the new property line shall be drawn in such a manner as to divide this distance approximately equally between the two new lots, but in no case shall a new property line be drawn between existing structures that would be inconsistent with applicable City Building Code separation requirements.

Lot Requirements

Lot Size
(min.)

5,000 sf in MR and HR Zones

If the lot is proposed to be divided: the smaller of the two remaining lots shall be at least 40% of the original lot or 2,000 sf, whichever is larger

Lot Width (min.)	50' If the lot is proposed to be divided, the smaller of the two remaining lots shall have a lot width of at least 40'
Lot Depth (min.)	75' If the lot is proposed to be divided, the smaller of the two remaining lots shall have a lot depth of at least 40'
Building Form Requirements	
Lot Coverage (max.)	40% If the lot is proposed to be divided, each remaining lot shall have maximum coverage of 40%
<u>Building Height</u>	<u>In a Historic Overlay Zone, if one or more of the pre-existing detached residential units are demolished or expanded, then any new residence or the expansion of an existing residence shall comply with the height and form standards established for the Historic Overlay Zone.</u>
Utilities	
	If the lot is proposed to be divided, each residential unit shall be provided with separate utility services in approved locations, subject to the provision of utility easements as necessary.

The amendments suggested above provide one option for resolving challenges with this Section of the Zoning Code. The need for amending the building form standards in Table 10-40.60.300.A was originally identified by concerned residents of the Flagstaff Townsite neighborhood, as they have been worried that if as a result of a Land Division as authorized and approved under this Section, and one or both of the existing homes were demolished, then two primary dwellings could be constructed. This is contrary to the standard established in the Townsite Historic Design Standards that require a careful relationship between a larger "Primary" residence closer to the street, and a smaller "Secondary" residence at the rear typically with access to an alley. This relationship is very important in this Historic District. Note that the amendment proposed only applies in a Historic Overlay Zone (currently only the Townsite neighborhood has such an overlay zone with building height standards), and this new standard would not apply in other R1N, MR, or HR Zones. This is staff's recommended option.

(P&Z): At the June 10th public meeting a majority of commissioners indicated they preferred and supported this option. At the June 24th meeting a minor amendment to the text in the new Building Height" row suggested by a Flagstaff resident was supported by the Commission. This amendment adds an addition to an existing building within this standard.

In the alternative, the R1N Zone could be deleted so that the ability to split a lot under the conditions described in this Section would only apply to the MR and HR Zones. This option would raise Proposition 207 issues.

NOTE: *Regardless of which option is selected, it is recommended that this Division be moved from the Zoning Code to Title 11 (General Plans and Subdivisions) of the City Code because this Section really establishes a process and standards for the subdivision of land under specific conditions.*

C. Parcel Division

If two residential units exist on a lot in conformance with Subsection A above, such lot may be divided, upon application through the Modified Subdivision Process set forth in Division 11-10.10 (Title and Authority), or Land Split procedure outlined in Division 11-20.100 (Land Splits and Combinations), into two separate lots, one for each residential unit, if the following requirements are met:

1. The lot line created between the two residential units shall be substantially perpendicular to the side lot lines if the buildings are located in the front and rear portions of the original lot, or to the front and rear lot lines if the buildings are located side by side;
2. The division complies with the Land Split requirements of Chapter 11-10 (Subdivision and Land Split Regulations), except as modified by this Section for development standards in the ~~R1N and~~ MR and HR Zones not subject to the Resource Protection Overlay, and the R1N Zone;
3. If the proposed property division is a Land Split and the lot boundaries are set by a recorded plat and all public improvements exist along the entire frontage of the property prior to splitting, then the division may be processed as a Land Split in compliance with Division 11.10.10 (Title and Authority); and
4. If the City Engineer determines that as a result of the proposed property division public improvements are required in compliance with Division 10-30.50.070 (Minimum Requirements), then the property division shall follow the Modified Subdivision Process as defined in Division 11-10.90 (Modified Subdivision Process).

10-40.60.310 Telecommunication Facilities

- Page 40.60-62

C. General Requirements for Telecommunications Facilities

6. Visual Impact

e. Camouflaged sites may be required by the Director and will be subject to the following minimum standards:

(1) Simulated pine branches must be located from a point that is 25 percent feet above finished grade to the top of the tower.

(2) A density of 2.3 simulated branches per one lineal feet of the tower is required. Branches shall be installed on the tower in a random organic pattern.

(3) The minimum length for the lower level simulated branches is 10 feet long. Simulated branches must taper toward the top of the tower to give the appearance of a natural conically-shaped evergreen tree.

(4) The tower shall be painted to emulate a natural tree trunk, and the bottom 20 feet of the trunk shall be covered with a simulated tree bark product.

(5) Antennas shall be fitted with a cover or otherwise camouflaged, and shall not extend beyond the tree branches located immediately adjacent to the antennas.

New subparagraph e provides standards for camouflaged telecommunications facilities that have been applied by staff for many years and are consistent with industry standards. These were inadvertently omitted from the Zoning Code when it was updated in 2011.

- Page 40.60-68

G. Time Limits

~~The City shall process tower siting applications for co-location facilities within 90 days and all other tower applications within 150 days, in compliance with Section 332(c)(7) of the Communications Act.~~

The Federal Communications Commission recently adopted new rules applicable to states and municipalities regarding approvals of telecommunications towers. The City Attorney's office has recommended that this Subsection can be removed as it is no longer necessary because the City's approval time frames established under SB1578 and HB2443 (The Regulatory Bill of Rights) for the review and approval of telecommunications facilities are significantly shorter (26 working days) than the new FCC standard which is 60 days.



Planning and Development Services Section

MEMORANDUM

TO: Mayor and Council

THROUGH: Josh Copley, City Manager

DISTRIBUTION: Barbara Goodrich, Deputy City Manager; Mark Landsiedel, Community Development Director; Dan Folke, Planning Director

FROM: Roger E. Eastman, AICP, Comprehensive Planning and Code Administrator

Date: November 23, 2015

RE: Amendments to Zoning Code (Chapter 10-40, Specific to Zones)
Response to Council Discussion at the November 10, 2015

At the October 19th special Council work session on the Zoning Code, some Flagstaff residents asked questions on the proposed amendments to Section 10-40.30.040 (Commercial Zones) with specific reference to the idea of allowing single-family residences and duplexes in the CC (Community Commercial) Zone, which is for example, applied to the Sunnyside neighborhood south of 6th Street.

Staff has talked with one of these residents in the past weeks, and in that conversation learned that there was an error in how an amendment was written which made it confusing. Staff has subsequently corrected this error – see Page 40-11 in the attachment. Specifically the correction is to End Notes #11 about two-thirds down the page to clarify that single-family dwellings and duplexes in the CC Zone must comply with the building height standards of the R1 (Single-family Residential) Zone rather than the building form standards of the R1 Zone.

Also attached are some proposed additional amendments in Chapter 10-40 (Specific to Zones) that address the following issues:

- Minor amendments in Section 10-40.30.050 (Industrial Zones) and in Division 10-40.40 Transect Zones that correct errors and improve cross-references.
- **Division 10-40.60 Specific to Uses: Section 10-40.60.160 (Drive-through Retail and Service Facility)** – Includes a revision that would allow a drive-through lane to be located between the front of a building and the property line.
- **Division 10-40.60 Specific to Uses: Section 10-40.60.250 (Mixed Use)** – Includes a revision that explicitly states that the Zoning Code does not include a density limit for mixed use projects in commercial zones, and that other factors such as setbacks, allowable height, parking standards, etc. control to limit the size of a new development.

- **Division 10-40.60 Specific to Uses: Section 10-40.60.300 (Secondary Single-family Dwelling)** – Includes a revision in response to comments made by some Flagstaff residents to staff that the amendments proposed to Table 10-40.60.300.A (Secondary Single-family Dwelling) were incomplete. A proposed amendment seeks to ensure the relationship between a primary residence and a secondary residence at the time of the land split is maintained, even if one of both of the parcels are sold to a separate owner.

Please let me know if you need any additional information, or if you have any questions.

10-40.30.040 Commercial Zones

Table 10-40.30.040.B Allowed Uses

- Page 40.30-15

Industrial, Manufacturing, Processing & Wholesaling

	SC	CC	HC	CS	CB
Manufacturing and Processing, Incidental	--	P	P	P	P
<u>Micro-brewery or Micro-distillery</u>	--	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

This amendment permits micro-breweries and micro-distilleries as permitted uses in the zones where the rather obtusely named "manufacturing and processing, incidental" use is also permitted. This latter use, formerly used to include a brewery, is not being deleted as it would allow for a coffee roaster, as an example.

Also, add the new Section 10-40.60.240 in the "Specific Use Regulations" column. Renumber all following Sections, and check for and correct all cross references.

Recreation, Education & Assembly

	SC	CC	HC	CS	CB
Meeting Facilities, public or private	⁵				
Regional	-- <u>P/UP</u> ⁵	P/UP ⁵	P/UP ⁵	P/UP ⁵	P/UP ⁵
Neighborhood	<u>P</u> ⁵ / <u>UP</u> ⁵	P/UP ⁵	--	--	--

End Notes

⁵ A Conditional Use Permit is required if liquor is sold, or if facilities exceed 250 seats.

The Suburban Commercial (SC) Zone is established to provide neighborhood serving land uses only. Staff, therefore, recommends that a regional meeting facility is inappropriate in the Suburban Commercial (SC) Zone.

- Page 40.30-16

Residential ⁷

	SC	CC	HC	CS	CB
Dwelling: Single-family	--	<u>P</u> ⁹ --	--	--	--
Dwelling: Two-family <u>Duplex</u>	P ⁶	P ⁶⁹	P ⁶	P ⁶	P ⁶
Planned Residential Development	<u>P/UP</u>	<u>P/UP</u> ²	UP	UP	UP
Rooming and Boarding Facilities <u>Dormitories</u>	UP ⁶	UP ⁶	UP ⁶	UP ⁶	UP ⁶
<u>Fraternities and Sororities</u>	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>UP</u> ⁶
<u>Single Room Occupancy</u>	<u>UP</u>	--	<u>P</u>	--	<u>P</u>

- Page 40.30-15 & 16

End Notes

⁶ Residential uses with more than 2 units are ~~only~~ allowed as part of a mixed-use development located above or behind the commercial uses subject to the development standards established in the HR Zone and as a Planned Residential Development (Section 10-40.60.270). New developments that include residential uses with more than 2 units shall provide a minimum of 15% of the gross lot area in the form of common open space.

⁹ Single-family and duplex building types (see Division 10-50.110) are permitted by right on lots ≤9,000 sf existing prior to November 1, 2011. A Conditional Use Permit is required for all other building types and multi-family residential uses with 3 or more units regardless of the size of the lot or parcel.

Many of the areas of the City that in the Community Commercial (CC) Zone are characterized by small lots developed with existing small single-family homes. This includes most of the Sunnyside and Southside neighborhoods, as well as areas to the north and west of the Downtown. Under current Code standards, a property owner may not build a single-family home in the CC Zone unless a Planned Residential Development approach is pursued which requires approval of a Conditional Use Permit from the Planning and Zoning Commission. This can be a time consuming and expensive process that makes it very hard for a family to build a new home. Staff recommends that the process to build a single-family home in the CC Zone should be simplified by allowing a single-family dwelling as a permitted use in the CC Zone. The amendment to End Note #6, therefore, ensures that a single-family dwelling and a duplex may be established in the CC zone by right without the need for additional commercial uses on the property.

CITY COUNCIL: A minor amendment to this standard is proposed following the Council's October 19th work session by adding that a project with more than 2 units in the CC Zone may also be developed as a Planned Residential Development.

The addition of End Note #9 (which is only applied within the CC Zone) further clarifies that existing single-family and duplex building types are permitted by right on lots ≤ 9,000 sq. ft. in area without having to go to the Planning and Zoning Commission for Conditional Use Permit approval. This is especially important in the Sunnyside neighborhood where over 50 percent of the neighborhood has CC zoning yet is developed predominantly with single-family homes, and is also relevant in such neighborhoods as Southside. Note that this is not a more restrictive standard than the standard currently in this table as the latter standard required a Conditional Use Permit for a single-family residence or a duplex established with a PRD in the CC Zone.

The former LDC allowed residential uses in commercial zones subject to the development standards of the HR Zone. This standard was not included in the Zoning Code.

Consistent with the amendments proposed in Section 10-40.30.030 (Residential Zones), the rooming and boarding facility use has been deleted and the uses included within it have been listed separately. SROs are only allowed in those zones where lodging uses are permitted (i.e. SC, HC and CB).

Retail Trade

	SC	CC	HC	CS	CB
Bars/Taverns	P	P —	P	P	P

This amendment was requested by a local inn-keeper who requested that bars and taverns should be considered as a permitted use in the CC Zone. Staff supports the amendment as micro-breweries and micro-distilleries (formerly categorized as "Manufacturing and Processing, Incidental") are already permitted in this Zone and are allowed in Transect Zone T5 (Main Street).

- Page 40.30-16

End Notes

⁷ Residential uses in the CC, HC, CS and CB Zones, and residential uses and properties listed on the National Historic Registry or within the Landmarks Overlay Zone, ~~in the CC, HC, CS and CB Zones~~ existing prior to the effective date of this Zoning Code are considered legal, nonconforming uses. Residential uses in the CC, HC, CS and CB Zones shall be subject to the development standards established in the HR Zone.

This amendment clarifies the former confusing language to ensure that residential uses in the listed zones as well as residential uses and properties that have defined historic characteristics are considered as legal conforming uses.

Further, an amendment at the end of this End Note codifies staff's current practice from the former LDC by stating that residential uses in the commercial zones are subject to the development standards of the HR Zone.

Table 10-40.30.040.B Allowed Uses (continued)

- Page 40.30-17

Retail Trade (continued)

	SC	CC	HC	CS	CB
Farmers Markets and Flea Markets	--	P	P	P	-- <u>P</u>

This amendment permits a farmers market in the Flagstaff downtown area.

Table 10-40.30.040.B Allowed Uses (continued)

- Page 40.30-18

Transportation & Infrastructure

	SC	CC	HC	CS	CB
Passenger Transportation Facilities	--	--	-- <u>UP</u>	UP	UP

The former LDC listed Passenger Transportation Facilities as an Unclassified Use in the C-3-E zone (now called the HC Zone), and they were only allowed in this Zone with a Conditional Use Permit. An error was made in this use table in the new Zoning Code as Passenger Transportation Facilities were listed as not permitted in the HC zone, which is incorrect. This use should be consistent with the former LDC, and listed as conditionally permitted (UP) in the HC zone.

Table 10-40.30.040.C Building Form Standards

- Page 40.30-19

Building Placement Requirements	SC	CC	HC	CS	CB
Setback					
Front (<u>See also 10-50.60.040.B</u>)	15' min. ¹	0'	0' ²	0'	0'
Side	----- 15' min. ¹⁰ -----				
Adjacent to Residential <u>Use</u>					

Section 10-50.60.040.B (Non-Residential Zone Buffers) requires a minimum of 5 feet of landscaping in the front setback area between a building and the property line. This standard, therefore, eliminates the 0' front setback established in the Table C (Building Form Standards) in the CC, HC, CS, and CB Zones. Consistent with other Sections of the Zoning Code that require

building-forward design, and to accommodate a developer who may wish to locate a new building on the property line, staff recommends that a cross-reference be included in this Table that refers to the front yard buffer standards in the Landscaping Division (10-50.60). Note that an amendment to Section 10-50.60.040.B (Non-Residential Zone Buffers) is also proposed. The addition of the word use clarifies that the side setback is measured to an adjacent residential use rather than a zone.

End Notes

¹⁰ Except that the setback from a proposed residential use in a commercial zone to other residential uses shall be 5' min.

Staff recommends that when a residential use is proposed in a commercial zone it is appropriate to reduce the side setback to adjoining residential uses to 5' min.

Building Form Requirements	SC	CC	HC	CS	CB
Building Height (max.)	23 5'	60' ^{4,11}	60' ⁴	60' ⁴	60' ⁴
Gross FAR (max.)	0.8 ⁵	2.5 ⁵	3.0 ⁵	2.0 ⁵	No max.

Staff recommends that the maximum building height in the SC Zone should be increased because this is consistent with the overall height requirement of residential zones (which are the most likely zones surrounding a SC Zone). The former LDC allowed a total height of 35 feet for mixed use with two floors. This is also the maximum height for a Live/Work Unit, which is allowed in the SC Zone.

As the standards for FAR are building form standards and not density requirements, it is recommended that the Gross FAR row be moved into the Building Form Requirements section of this table.

End Notes

¹¹ Single-family dwellings and duplexes in the CC Zone shall be limited to a maximum height of 35 feet consistent with the height standard for the R1 Zone.

This end note is needed to ensure that single-family dwellings (which are proposed to be allowed as a permitted use in the CC Zone – see Page 8) are not constructed to 60 feet in height. Max. building height in the R1 Zone is 35 feet. Updated for clarity on November 16, 2015.

Density Requirements	SC	CC	HC	CS	CB
Gross Density (units/acre) (max.) (<u>Not applicable to Mixed Use</u>)	13	13	13	13	13
		-----Refer to HR Zone-----			
Gross FAR (max.)	0.8 ⁵	2.5 ⁵	3.0 ⁵	2.0 ⁵	No max.

The statement about mixed use clarifies that mixed use is not subject to density standards. This is because as stated in Section 10-40.60.250 (Mixed Use), only FAR standards apply. The density stated in the current Zoning Code is incorrect because when residential uses are developed in commercial zones, consistent with the LDC, the standards of the HR Zone should be applied. For this reason this correction to the density standard is recommended.

Additional Proposed Amendments to the Zoning Code (Identified by Staff after P&Z Commission Recommendation)

September 2, 2015; Updated Sept. 25, 2015; November 20, 2015

Chapter 10-30: General to All

Division 10-30.70: Residential Sustainable Building Standards

10-30.70.040 Minimum Standards

- Page 30.70-3

D. Energy Efficiency

- In order to qualify for the density incentive established in Table 10-30.20.050.A (Percentage of Affordable Housing Units and Corresponding Density Bonus) an efficiency standard that is 50 percent of the ~~current~~ HERS Reference Home rating established in the 2003 International Energy Conservation Code as measured on the HERS (Home Energy Rating System) index shall be met. Solar collectors, including solar thermal and photovoltaic systems may be installed to ensure that the residence qualifies.

This minor amendment clarifies that the HERS Reference Home rating is based on the 2003 International Energy Conservation Code.

Chapter 10-40: Specific to Zones

Division 10-40.30 Non-Transect Zones

10-40.30.050 Industrial Zones

- Page 40.30-23

Table B. Allowed Uses (continued)

Residential

	RD	LI	LI-O	HI	HI-O
Live/Work	PZ	PZ	PZ	--	--

This amendment provides consistency in the application of this standard as it ensures that the live/work use is also subject to the FAR limitations applicable to other commercial uses (see Subsection 10-40.30.050.F) in these industrial zones.

Division 10-40.40 Transect Zones

10-40.40.070 T4N.1 Neighborhood (T4N.1) Standards

- Page 40.40-25

Table C. Allowed Building Types¹

Add Single-Family Cottage and Courtyard Apartment to this table. Also add Stacked Triplex to this table.

10-40.40.080 T4N.2 Neighborhood (T4N.2) Standards

- Page 40.40-31

Table C. Allowed Building Types¹

Add Courtyard Apartment, Apartment Building and Commercial Block to this table. [Also add Stacked Triplex to this table.](#)

10-40.40.090 T5 Main Street (T5) Standards

- Page 40.40-37

Table C. Allowed Building Types¹

Add Apartment House and Apartment Building to this table. [Also add Stacked Triplex to this table.](#)

In Division 10-50.110 (Specific to Building Types) a new Stacked Triplex building type is proposed to be added (see Page 50-45 of the proposed amendments to Chapter 10-50 (Supplemental to Zones)). This new building type is appropriate in the T4N.1, T4N.2, and T5 transect zones but was not included in the Allowed Building Types tables for these zones as described above.

Amendments that apply to multiple Transect Zones:

Table H. Allowed Uses

Transect Zones – T3N.1, T3N.2, T4N.1, T4N.2, T5, and T6:

~~— Add Greenhouses as a Permitted use in these transect zones.~~

Accessory structures are allowed in all of these transect zones. This simple amendment explicitly states that green houses as an accessory structure are permitted. In the T5 and T6 Transect Zones where space may be at a premium, the greenhouse could be placed on the roof. The term “accessory building and structure is defined in Chapter 10-80, Definitions in Section 10-80.20.010, Definitions, “A.” to include “greenhouses”. Throughout the non-transect zones and the transect zones accessory buildings and structures are already listed in the Use Tables. Logically, therefore, there is no need to list greenhouses separately in the use tables in transect zones as they are already listed under the accessory buildings and structures category. For this reason the amendment originally proposed above is not necessary.

Division 10-40.60 Specific to Uses

10-40.60.160 Drive-through Retail or Service Facility

- Page 40.60-30

C. On-site Circulation Standards

1. Drive-through Aisle Design

- a. The entrance/exit of any drive-~~through lane~~~~aisle~~ shall be a minimum of 50 feet from an intersection of public rights-of-way (measured at the closest intersecting curbs).
- b. The drive-~~through lane~~~~aisle~~ shall be designed with a minimum 10-foot interior radius at curves and a minimum 10-foot width.
- c. To the maximum extent feasible drive-through lanes~~aisle~~ shall not be located between a property line and the front of the building. Where this is not practical, the drive-through lane shall be screened by a wall designed to match the building materials of the primary building on the site.

[Insert a new illustration showing a screen wall based on a photograph – perhaps McDonalds on S. Milton Road.]

These minor amendments ensure that these standards apply to both drive-through retail (e.g. fast food restaurant) and service (e.g. bank) facilities.

The amendment in paragraph c. would allow a drive through to be placed between the property line and the front of the building.

10-40.60.250 Mixed Use

- Page 40.60-49

E. Site Layout and Development Standards

1. Each proposed mixed-use development shall comply with the property development standards of the applicable zone, and the requirements of Table B (Site Layout and Development Standards).
2. There is no density limitation established for residential uses in mixed-use developments. Instead, applicable floor area ratio, building height, parking, landscaping, etc. standards will apply to provide a control on the bulk and mass of the development and the number of residential units permitted.

The current Zoning Code and proposed amendments to the Code do not establish a maximum density for mixed-use developments. Instead, the number of residential units in a mixed-use development is limited by such standards as parking, landscaping, FAR and building height. This amendment explicitly states this principle.

10-40.60.300 Secondary Single-Family Dwelling

- Page 40.60-57

A. Applicability

This section applies to existing detached residential units (except for Accessory Dwelling Units) established prior to November 5, 2002 on lots located in the MR and HR Zones not subject to the Resource Protection Overlay, and the R1N Zone. Where two existing detached residences are ~~located~~established on a ~~non-existing~~ lot, following the procedures established in Division 11-10.90 (Modified Subdivision Process) or Division 11-10.100 (Land Splits and Combinations) two new lots may be created subject to the standards provided below.

B. Standards

~~Two detached dwellings may exist and be maintained as principal buildings on a lot that has frontage on, and access to, a public street.~~ If the lot with two existing detached residential units is proposed to be divided pursuant to this Section, each ~~remaining~~resulting lot shall have frontage on, and/or legal access to, a public street or alley. The following standards in Table A (Secondary Single-Family Dwelling) shall also be met.

Table 10-40.60.300.A: Secondary Single-Family Dwelling

Building Placement Requirements

Existing residential units shall maintain building separation requirements of applicable Sections for the R1N, MR and HR Zones, ~~to the maximum extent feasible.~~

Lots proposed to be divided: the new property line shall be drawn in such a manner as to divide this distance approximately equally between the two new lots, but in no case shall a new property line be drawn between existing structures that would be inconsistent with applicable City Building Code separation requirements.

Lot Requirements

Lot Size (min.)	5,000 sf in MR and HR Zones If the lot is proposed to be divided: the smaller of the two remaining lots shall be at least 40% of <u>the</u> original lot or 2,000 sf, whichever is larger
Lot Width (min.)	50' If the lot is proposed to be divided, the smaller of the two remaining lots shall have a lot width of at least 40'
Lot Depth (min.)	75' If the lot is proposed to be divided, the smaller of the two remaining lots shall have a lot depth of at least 40'

Building Form Requirements

• Lot Coverage (max.)	40% If the lot is proposed to be divided, each remaining lot shall have maximum coverage of 40%
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<u>Building Height</u>	<u>In a Historic Overlay Zone, if one or more of the pre-existing detached residential units are demolished or expanded, then any new residence or the expansion of an existing residence shall comply with the height and form standards established for the Historic Overlay Zone. The relationship between the primary and the secondary residence before the split was approved shall be maintained. i.e. there shall only be one primary residence (typically closest to the street) and a secondary residence (typically at the rear with access to an alley). The property owner(s) shall sign before a notary public a restrictive covenant that runs with the land on a form prepared by the City affirming this primary/secondary relationship. The restrictive covenant shall be submitted to the City prior to approval of the application for the land split. The City shall record the restrictive covenant.</u>
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Utilities

If the lot is proposed to be divided, each residential unit shall be provided with separate utility services in approved locations, subject to the provision of utility easements as necessary.

The amendments suggested above provide an option for resolving challenges with this Section of the Zoning Code. The need for amending the building form standards in Table 10-40.60.300.A was originally identified by concerned residents of the Flagstaff Townsite neighborhood, as they

have been worried that if as a result of a Land Division as authorized and approved under this Section, and one or both of the existing homes were demolished, then two primary dwellings could be constructed. This is contrary to the standard established in the Townsite Historic Design Standards that require a careful relationship between a larger "Primary" residence closer to the street, and a smaller "Secondary" residence at the rear typically with access from an alley. This relationship is very important in this Historic District. Note that the amendment proposed only applies in a Historic Overlay Zone (currently only the Townsite neighborhood has such an overlay zone with building height standards), and this new standard would not apply in other R1N, MR, or HR Zones. This is staff's recommended option.

(P&Z): At the June 10th public meeting a majority of commissioners indicated they preferred and supported this option. At the June 24th meeting a minor amendment to the text in the new Building Height row suggested by a Flagstaff resident was supported by the Commission. This amendment adds "an addition to an existing building" within this standard.

Since the June 10th Planning and Zoning Commission staff has been contacted by some residents of the Flagstaff Townsite district concerned that the original amendment proposed by staff and recommended by the Planning and Zoning Commission did not go far enough to ensure that the relationship between the primary and secondary residence was preserved after a split has occurred, and especially if the lot on which the secondary residence is located, is sold to a third party. After further review with the City Attorney's office, the Building Height row in Table A has been amended to resolve this concern. However, there are possible Proposition 207 issues resulting from this amendment.

In the alternative, the R1N Zone could be deleted so that the ability to split a lot under the conditions described in this Section would only apply to the MR and HR Zones. This option would raise Proposition 207 issues.

NOTE: Regardless of which option is selected, it is recommended that this Division be moved from the Zoning Code to Title 11 (General Plans and Subdivisions) of the City Code because this Section really establishes a process and standards for the subdivision of land under specific conditions.

C. Parcel Division

If two residential units exist on a lot in conformance with Subsection A above, such lot may be divided, upon application through the Modified Subdivision Process set forth in Division 11-10.10 (Title and Authority), or Land Split procedure outlined in Division 11-20.100 (Land Splits and Combinations), into two separate lots, one for each residential unit, if the following requirements are met:

1. The lot line created between the two residential units shall be substantially perpendicular to the side lot lines if the buildings are located in the front and rear portions of the original lot, or to the front and rear lot lines if the buildings are located side by side;
2. The division complies with the Land Split requirements of Chapter 11-10 (Subdivision and Land Split Regulations), except as modified by this Section for development standards in the ~~R1N and~~ MR and HR Zones not subject to the Resource Protection Overlay, and the R1N Zone;

3. If the proposed property division is a Land Split and the lot boundaries are set by a recorded plat and all public improvements exist along the entire frontage of the property prior to splitting, then the division may be processed as a Land Split in compliance with Division 11.10.10 (Title and Authority); and
4. If the City Engineer determines that as a result of the proposed property division public improvements are required in compliance with Division 10-30.50.070 (Minimum Requirements), then the property division shall follow the Modified Subdivision Process as defined in Division 11-10.90 (Modified Subdivision Process).

10-40.60.310 Telecommunications Facilities

- Page 40.60-60

B. Permitting Applicability

2. Uses Requiring a Conditional Use Permit

a. Antenna-supporting Structures

All new antenna-supporting structures and replacement antenna supporting structures intended for commercial [and emergency services or public facility](#) use shall obtain a conditional use permit in compliance with Section 10-20.40.050 (Conditional Use Permits) prior to submittal for building permit approval and the initiation of construction.

This amendment will ensure that a conditional use permit is required for a new or replacement antenna-supporting structure for both a commercial facility as well as for such uses as the Police or Fire Department, Public Works Division, etc.

Memorandum

9.

CITY OF FLAGSTAFF

To: The Honorable Mayor and Council
From: Roger Eastman, Zoning Code Administrator
Date: 11/30/2015
Meeting Date: 12/08/2015



TITLE:

Policy Discussion on Proposed Amendments to Zoning Code Division 10-50.100. (Sign Standards). **THIS ITEM WAS MOVED FROM 8.*

DESIRED OUTCOME:

Staff is proposing amendments to Zoning Code Division 10-50.100 (Sign Standards) in response to the US Supreme Court's decision this year in the *Reed v. Town of Gilbert* sign case. This work session will enable staff to talk generally about this case and the impact it has on Flagstaff's sign code. A suggestion will be presented on how the Flagstaff sign standards may be amended to ensure compliance with the court's ruling. Staff will be seeking Council direction on the policy issues associated with the proposed amendments.

EXECUTIVE SUMMARY:

This work session is part of a series of work sessions with the Council on proposed amendments to the Flagstaff Zoning Code. In this work session staff will introduce the outcome of the US Supreme Court's decision in the *Reed v. Town of Gilbert* sign case and will explain why changes to the City's sign standards are necessary. The Council will be able to identify any policy issues that warrant a more in-depth discussion, and it is anticipated that Council direction on the policy issues associated with the proposed amendments will be provided.

INFORMATION:

COUNCIL GOALS:

7) Address key issues and processes related to the implementation of the Regional Plan

REGIONAL PLAN:

No Regional Plan goals or objectives specific to signage apply.

Background:

In June this year the US Supreme Court rendered its decision in the *Reed v. Town of Gilbert* sign code case which, clarified when government regulation of speech is content-based. Content-based regulations are presumptively unconstitutional. The Supreme Court's decision in the *Reed* case has wide-ranging implications for sign ordinances in cities across the nation.

1. The key takeaway from the *Reed* case is that cities cannot categorize signs based on the topic or message being conveyed and then impose restrictions within each content-based category. For example, the current sign code provides different standards for different types of temporary signs such as real estate signs, new development construction signs, and political signs. Subjecting each category of signs to different restrictions is no longer permissible under *Reed*.

2. As a result of the *Reed* decision, every sign code needs to be carefully scrutinized to ensure that it does not contain content-based regulations. Planning staff has worked closely with the City's Attorney's office to understand the implications of the *Reed* decision on the City's sign code and over the past few months has developed many ideas for amendments to the sign regulations. Staff also participated in a professional development workshop hosted by the Arizona Planning Association in August 2015 on the implications of the *Reed* case, and was a panelist at two professional conferences in October and November (Quad States Conference in Kansas City in October and the Arizona Planning Association annual conference in November) in which the principles behind the City's draft amendments were presented to the attendees. Staff took advantage of being at these conferences to talk with planners and attorneys familiar with the *Reed* case to solicit their input and ideas on the City's ideas. The response was very supportive and favorable.

Broad Overview of Proposed Amendments to Division 10-50.100 (Sign Standards)

A broad overview of the most substantive amendments proposed in the sign standards division of the Zoning Code is provided below. The Planning and Zoning Commission as part of their review of the entire Zoning Code recommended approval of a few minor amendments within the Permanent Sign section of the Code (Section 10-50.100.060) but these will not be presented to the Council at this time. Similarly minor amendments to clarify the intent of a section and improve readability will also not be highlighted at this time. Instead, staff will focus on the amendments needed to ensure consistency with the US Supreme Court's decision. More information on the purpose and intent of the proposed amendments is provided in the attached PowerPoint presentation for the December 8th Council meeting.

1. 10-50.100.020 Applicability:

Within the Exemptions Subsection, the following sign types have been removed or moved to another section of the Code to ensure that the standards are content neutral ; Display Board for Daily Specials (no longer exempted), Political Signs (no longer exempted), Neighborhood or District Sign (moved to the freestanding sign section in the Central District), Real Estate Signs (no longer exempted), Signs Required by Law (included with Government Signs), Vehicle Signs (moved to Other Permanent Sign Types), and Yard and Garage Sale Signs (no longer exempted). It is recommended that the current prohibition on any sign in the right-of-way except for traffic control signs and other government signs will be maintained.

2. 10-50.100.060 Permanent Signs:

The Other Sign Types Subsection has been amended to remove the standards for fuel pump topper signs as these are typically temporary signs rather than permanent signs. Also, the standards for Open Signs have been removed and are now included as part of the Window Sign standards.

3. 10-50.100.090 Temporary Signs:

The greatest number of amendments are in this Section. Many are significant, and are being proposed to ensure consistency with the US Supreme Court's decision in the *Reed* case.

- A. Applicability: Includes minor revisions only that are unrelated to the *Reed* case to eliminate redundant language.
- B. General to All: Includes numerous revisions that are unrelated to the *Reed* case to eliminate redundant language and simplify the standards. One important amendment is with regard to temporary sign permitting requirements and the length of time that a sign may be displayed. Staff proposes that there should be no limitation on the length of time that a temporary sign may be displayed and no permit would be required, except for temporary wall banners which would be subject to a temporary sign permit and limited to 30 days within a calendar year.
- C. Standards for Temporary Signs: This Subsection has been significantly shortened and most of the former standards have been eliminated because, pursuant to *Reed*, they are not content

neutral. This includes for example, the standards for various signs (e.g. temporary construction signs, signs for temporary uses, new occupancy or use signs, grand opening signs, directional signs, promotional signs, going-out-of-business signs, etc.). Furthermore, the standards for different sign types (e.g. A-frame or upright signs, feather or vertical banners, and wall banners) have been consolidated into one table (Table 10-50.100.090.B) to eliminate redundancy and to simplify the Code. This Subsection has also been reorganized as detailed in the bullets below.

- 1. Time, Place and Manner Restrictions for Temporary Signs. A new Table 10-50.100.090.A will provide all the standards applicable to the placement of temporary signs. It is divided into three sections:
 - (1) Applicable to All Zones (e.g. includes standards on what elements are prohibited on a temporary sign and design and construction standards);
 - (2) Commercial, Industrial and Other Non-Residential Zones; and
 - (3) All Residential Zones (each of these subsections includes standards on period of use, hours of use, allowable sign area and number of signs).

The sign message is not regulated to ensure content-neutrality. However, the total area of temporary signs in commercial and industrial zones is limited to 32 sq. ft. per business while the total area of temporary signs in residential zones is limited to 16 sq. ft. per lot or parcel. This maximum sign area limitation allows for temporary signs with a variety of messages (may be political, business advertising, or ideological) provided they do not exceed the area limitation.

- 2. Standards for Specific Temporary Sign Types. Table 10-50.100.090.B consolidates the standards for various temporary sign types including height and width, and provides for a variety of sign types including, A-frame or upright signs, feather or vertical banner signs, wall banner signs, and two new sign types, flags displaying a commercial message and yard signs.
- 3. Civic and Non-Profit Events Signs on City Approved Sign Support Structures. The standards in this Subsection are unchanged except that a purpose statement has been added that clarifies that signs advertising a community event may be placed on these sign structures rather than the current standard which requires them to be located on the sign structure.
- 4. Sign Walkers. The existing standards have been updated and clarified to make them easier to apply.

4. **10-50.100.100. Sign Districts of Special Designation:**

A. Flagstaff Central District. The standards for Neighborhood or District Signs have been moved into the freestanding sign section as these are a type of freestanding sign.

B. Downtown Historic District. The standards for stanchion signs in former Table 10-50.100.090.E (Standards for Temporary Stanchion Signs) have been deleted consistent with the principle of prohibiting all temporary signs in the public right-of-way.

E. Flagstaff Sign Free Zone. This is a new Subsection included into the Zoning Code pursuant to A.R.S. §16-1019 which enables a municipality to establish a sign-free zone in city rights-of-way.

5. **10-50.100.110 Enforcement**

The provisions allowing for the removal of temporary signs in public right-of-way and in clear view zones by City code enforcement staff when a hazard to pedestrian or vehicle traffic is present have been moved to this section from the Temporary Signs Section.

At the work session staff will provide a brief overview of the *Reed* case for the Council and any members of the public in attendance, as well as the rationale for the proposed amendments to the sign standards with a Power Point presentation, a copy of which is attached.

If you have questions, or require clarification on the contents of this staff summary, please contact Roger E. Eastman, AICP, Comprehensive Planning and Code Administrator, at reastman@flagstaffaz.gov or (928) 213-2640.



Division 10-50.100 Sign Standards Needed amendments following *Reed v. Town of Gilbert*

Flagstaff City Council
December 8, 2015

Overview



- Why are we here?
 - US Supreme Court decision in *Reed v. Town of Gilbert*, No. 135 S.Ct. 2218, 2015
- Revisions to the Current Sign Standards
 - Generally
 - Permanent Signs – relatively minor
 - Temporary Signs – substantial
- Council Direction - A path forward post *Reed*

Reed v. Town of Gilbert, Az.





- *Reed v. Town of Gilbert, Ariz.*, 587 F.3d 966 (9th Cir. 2009), *on remand*, 832 F. Supp.2d 1070 (D. Ariz. 2011), *affirmed*, 707 F.3d 1057 (9th Cir. 2013), *reversed and remanded*, 135 S.Ct. 2218 (2015).

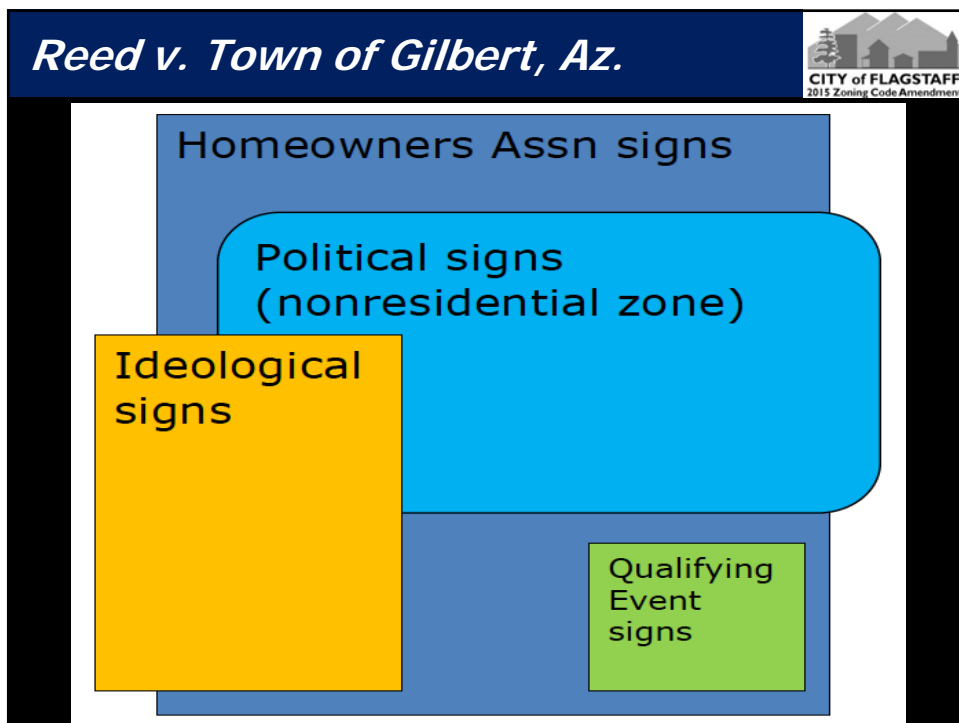
Reed v. Town of Gilbert, Az.



Reed v. Town of Gilbert, Az.



		Where?	How long?
Ideological	<div style="background-color: yellow; padding: 5px; text-align: center;"> Save the Whales! 20 sf </div>	Anywhere	As long as you want
		Where?	How long?
		Residential (16 sf) NR / public / ROW (32)	60 days before primary 15 days after general
Political	<div style="display: inline-block; vertical-align: top; margin-right: 20px;"> <div style="background-color: orange; padding: 5px; text-align: center;"> Vote for Pedro! 16 sf </div> </div> <div style="display: inline-block; vertical-align: top;"> <div style="background-color: red; padding: 5px; text-align: center;"> Vote for Pedro! 32 sf </div> </div>		
Temporary Directional Sign Relating to a Qualifying Event	<div style="background-color: blue; padding: 5px; text-align: center;"> Church Meeting 7PM  </div> 6 sf	Where?	How long?
		Private or public land 4 at a time	12 hours before 1 hour after



Reed v. Town of Gilbert, Az.



Content

Content-Based

- Message determines if it stays up or down, or whether applicable regulations apply

Fred's Gas Station
Unleaded: \$3.50 Regular \$4.00



"Gas Station Sign"

Content-Neutral

- Size
- Location
- Illumination, materials, etc.

BLAH BLAH BLAH
blah blah blah blah blah



"Pole Sign"

Reed v. Town of Gilbert, Az.



• *Reed* Takeaways

- The *Reed* case is about determining when a government regulation of speech is content based
- Content-based laws are presumptively unconstitutional
- Time, place, and manner restrictions OK provided they are content neutral, narrowly tailored, and serve a legitimate governmental interest
- *Reed* is not just about temporary signs
- Careful scrutiny of the Sign Code is essential to ensure content neutrality

Flagstaff's Sign Standards



- Flagstaff Sign Standards:
 - Permanent signs generally not an issue – only a few minor tweaks
 - Temporary signs – Numerous issues!
 - Comprehensive rewrite needed

Will be providing an overview of staff's desired approach and seeking Council direction on key policy issues

Sign Standards Outline – Div. 10-50.100

Sections:

10-50.100.010	Purpose
10-50.100.020	Applicability
10-50.100.030	Sign Permit Requirements
10-50.100.040	General Restrictions for All Signs
10-50.100.050	General Requirements for All Signs
10-50.100.060	Permanent Signs
10-50.100.070	Comprehensive Sign Programs
10-50.100.080	Sign Design Performance Standards
10-50.100.090	Temporary Signs
10-50.100.100	Sign Districts of Special Designation
10-50.100.110	Nonconforming Signs
10-50.100.120	Enforcement
10-50.100.140	Appeals
10-50.100.150	Severability

10-50.100.010



Purpose

- Minor language amendments for clarity, unrelated to *Reed*
- Table A (Sign Types) deleted – unnecessary

10-50.100.020



Applicability

- Various minor amendments for clarity/simplicity, unrelated to *Reed*
- 2.d Substitution Clause
 - Provides that any non-commercial message may be substituted for a commercial message or any non-commercial message changed to a different non-commercial message on a sign without the need for a permit
- C. Exemptions
 - Comprehensive review – many removed

10-50.100.020



Applicability

- C. Exemptions
 - Comprehensive review – many removed

Exempt Signs:

Building identification signs	unchanged
Business name on an entry door	unchanged
Community bulletin board signs	minor edits
Flags	minor edits
Governmental signs	minor edits
Heritage signs in Landmark Zones	unchanged
Historic and architectural features	unchanged
Internal signs	amended
Seasonal decorations	unchanged
Street light banner sign	unchanged
Vending machine and similar facilities	moved to here

Removed:

Display board daily specials
 Neighborhood/district sign
 Nonstructural modifications/
 maintenance
 Political signs
 Real estate signs
 Signs required by law
 Vehicle signs
 Yard or garage sale signs

10-50.100.030



Sign Permit Requirements

- C. Nonstructural Modifications and Maintenance
 - Moved from Exemptions
 - Expanded to include:
 - Existing signs on single-tenant buildings
 - Building mounted signs
 - Amendments unrelated to *Reed*

10-50.100.040



General Restrictions for All Signs

- A. Prohibited Signs (formerly Location Restrictions)
 - Numerous minor amendments for clarity/simplicity, unrelated to *Reed*
 - Redundancies eliminated
 - Vehicle signs – considerably simplified

10-50.100.040



General Restrictions for All Signs

- A. Display Restrictions
 - Numerous minor amendments for clarity/ simplicity, unrelated to *Reed*
 - Redundancies eliminated
 - Balloons, spinners, strings of flags, etc. clarified

10-50.100.050



General Requirements for All Signs

- No amendments are required post-Reed
- One minor amendment – include a new illustration to clarify sign area



10-50.100.060



Permanent Signs

- (2) Building Mounted Signs
 - Minor revisions, e.g. to clarify sign placement on a building element, unrelated to *Reed*
- (5) Driveway Sign (formerly Directional Sign)
 - Only the name of this sign type has changed

10-50.100.060



Permanent Signs

- (7) Freestanding Signs
 - Minor revisions:
 - More flexibility for sign height regarding embellishments, unrelated to *Reed*
 - Allows a sign to be mounted on 2 posts/poles, unrelated to *Reed*
 - Adds a new freestanding sign type – Post Sign; no permit if sign advertises property for sale or lease. Sign area included in total temporary sign area allowance.



10-50.100.060



Permanent Signs

- (14) Window Signs
 - Minor revisions unrelated to *Reed*
 - Sign area increased from 25% to 40%
 - Inside mounting required rather than preferred
 - Open signs moved here – no permit required
- (15) Vehicle Signs (formerly Other Sign Types)
 - Deleted:
 - Drive-through menu board and confirmation signs
 - Fuel pump signs
 - Menu display box
 - Open sign

10-50.100.060



Permanent Signs

- (15) Vehicle Signs (formerly Other Sign Types)
 - Maintains the same standards as the current code
 - moved to a more logical location
 - Simplified

10-50.100.070



Comprehensive Sign Programs

- No amendments are required post-Reed
- One amendment proposed - also include building mounted signs

10-50.100.080



Sign Design Performance Standards

- No amendments are required post-Reed
- Only a minor clarifying amendment is proposed to correct a standard

10-50.100.090



Temporary Signs (Current Code)

- A. Purpose
- B. General to All
- C. Specific to Commercial and Industrial Zones ...

Temporary Signs:

Approved Temporary Uses
Civic and Non-Profit Events
City Special Recreation Events
Temp. Directional Signs
On-Premises Business Signs
Temp. Construction Signs
Real Estate Signs
Sign Walkers

Temporary Signs:

New Occupancy or Use
Grand Opening
Promotional or Seasonal Sale
Going-Out-of-Business
A-Frame as Secondary Signage

Temporary Signs:

A-frame or Upright Sign
Vertical Banner Sign
Wall Banner Sign
Window Sign

The standards are not content neutral!

10-50.100.090 Current Code



Table 10-50.100.090.F: Standards for Specific Temporary Business Signs (Includes Temporary A-Frame, Wall Banner, Vertical Banner, and Temporary Window Signs)

	Maximum Duration	Other Requirements
New Occupancy or Use Sign	45 consecutive days within the first 6 months of establishment of a new occupancy or use.	Max. 1 sign per business. May not be combined with a grand opening sign. Sign to be removed when permanent sign is installed.
Grand Opening Sign	30 consecutive days.	Max. 1 sign per business. May not be displayed at the same time as a new occupancy or use sign.
Promotional or Seasonal Sales Sign ¹	Max. of 1 sign for no more than 10 consecutive days, max. 6 times per calendar year.	Only 1 permit is required per calendar year.
Going-Out-of-Business Sign	30 consecutive days.	Max. 1 sign per business. Sign to be removed when business finally closes.
A-Frame Sign used as Secondary Signage in a Multi-Tenant Shopping Center	No limitation on the number of days they may be used	Only on the walkway directly in front of the store. Shall not interfere with pedestrian travel or encroach upon a required accessible path. Not in public right-of-way, sidewalks, parking areas, driveways, or landscape areas. No Temporary Sign Permit required.

10-50.100.090



Temporary Signs (Proposed)

- **A. Purpose**
 - Minor revisions only, unrelated to *Reed*
- **B. General to All**
 - Numerous amendments for clarity/simplicity
- **C. Standards for Temporary Signs**
 - Extensive rewrite and simplification post-*Reed*

10-50.100.090



Temporary Signs (Proposed)

- B. General to All
 - Numerous amendments for clarity/simplicity

Staff Proposal

Temporary signs are allowed only in compliance with the provisions of this Section;

1. A Temporary Sign Permit is only required for temporary wall banners. See Section 10-20.40.130 (Temporary Sign Permits).
2. There is no limitation on the length of time that a temporary sign may be displayed except for temporary wall banners (See Table 10-50.100.090.B (Standards for Temporary Signs)).
3. Temporary signs must not be placed on or affixed to any City property, including City rights-of-way, except as specifically authorized in connection with a special event permitted under City Code Chapter 8-12 (Special Events).
4. Temporary signs shall not be placed in the clear view zone at street intersections or driveways (Refer to Section 10-50.100.050.F (Sign Placement at Intersection)).

10-50.100.090



Staff Proposal in More Detail

- No limitation on how long a temporary sign may be displayed and no permit; except for wall banners – permit required and max. 30 days
 - Practically speaking may mean some businesses have signs displayed every day
 - Area limitation would apply
 - Signs must be removed at close of business
 - Applies to all signs – advertising, ideological, political, etc.
 - Wall banners require a permit – limited to 30 days
 - Enforcement manageable

10-50.100.090



Temporary Signs (Proposed)

- C. Standards for All Temporary Signs
 - Time, Place and Manner Restrictions for Temporary Signs
 - Placement – not a hazard
 - Prohibited elements – illumination, animation, attachments
 - Design and construction – professionally crafted
 - Period of use – only wall banners limited to 30 days
 - Hours of use – business hours only except wall banner
 - Area limitation – 32 sq. ft. and 16 sq. ft.
 - Multi-tenant shopping centers – 2 signs per 150' of frontage, 24 sq. ft. combined.
 - No permit required except wall banner

10-50.100.090



Temporary Signs (Proposed)

- C. Standards for All Temporary Signs
 - Types of Temporary Signs
 - A-frame or Upright Sign
 - Vertical Banner Sign
 - Flags displaying a commercial message
 - Wall Banner Sign
 - Window Sign
 - Yard Sign
 - Each has area, height, and width limitations

10-50.100.090



Temporary Signs (Proposed)

- C. Standards for Temporary Signs
 - Civic and Non-Profit Event Signs on City Approved Sign Support Structures
 - No amendments proposed in this section
 - Now cannot require placement on them ...



10-50.100.090



Temporary Signs (Proposed)

- C. Standards for Temporary Signs
 - Sign Walkers
 - Minor clarifying amendments, unrelated to Reed



10-50.100.100



Sign Districts of Special Designation

- A. Flagstaff Central District
 - 5.b. Includes Neighborhood or District Sign
 - Excluded from the permitted sign area for the property on which it is located
- B. Downtown Historic District
 - Stanchion signs no longer permitted
- F. Flagstaff Sign Free Zone

10-50.100.090 Current Code



12. Political Signs

Political signs are permitted in compliance with ARS § 16-1019.

13. Real Estate Signs

a. All Residential Zones.

- (1) One real estate sign per street frontage is permitted. Signs must be non-illuminated, constructed of durable materials, placed only on the property for sale, rent, or lease, be no more than six feet in height, and be no larger than eight square feet in area in single-family residential zones and no larger than 12 square feet in area in multi-family residential zones.
- (2) Open house/auction directional signs are permitted within one mile of the residence as measured along the streets used to drive to it. Such signs must be no larger than four square feet in area, a maximum of three feet in height, and only one sign is allowed for each turning movement beginning at the residence for sale. Signs may be placed in a public right way or on off-site private property for the duration of the open house only while a sales person is present, provided such signs do not constitute a hazard to pedestrians or vehicular traffic, are not placed on medians, and they are removed no later than one hour after the conclusion of the open house.

- b. **All Commercial, Industrial, and Non-residential Zones:** One real estate sign per street frontage is permitted. Signs must be non-illuminated, constructed of durable materials, placed only on the property for sale, rent, or lease, be no more than six feet in height, and be no larger than 24 square feet in area.

10-50.100.090

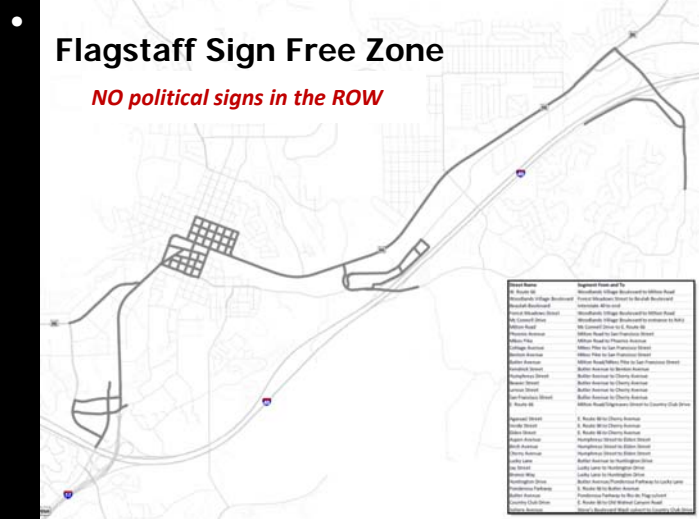


- A.R.S. §16-1019. Political Signs
 - City may not remove political signs within a city ROW if ...
 - 45 days before primary & 10 days after general election
 - City may remove if a hazard/interferes with ADA or "constitutes an emergency"
 - Max 16 sq. ft. residential zones / 32 sq. ft. elsewhere
 - May establish up to 2 "sign free zones", max. total area of 3 square miles; "commercial tourism, commercial resort and hotel sign free zones"
 - Not permitted in ADOT ROW

10-50.100.100



Sign Districts of Special Designation



10-50.100.110, -120, & -130



Nonconforming Signs

- No amendments are required post-Reed
- No other amendments are needed

Enforcement

- No amendments are required post-Reed
- Only minor clarifying amendments for clarity

Appeals

- No amendments are required post-Reed
- No other amendments are needed

10-50.100.140



Severability

- Already included in the Sign Standards
- No amendments are required post-Reed
- No other amendments are needed

Needed Other Amendments



Chapter 10-20 (Administration, Procedures, and Enforcement)

- Temporary Sign Permits – wall banners only

Chapter 10-80 (Definitions)

- Delete various content-based definitions
 - Sign, Real Estate Directional
 - Sign, Temporary Directional
 - Sign, Temporary New Development/Construction, Etc.
- Add new sign types
 - Sign, Temporary Yard
 - Other minor updates



Discussion – A Path Forward



- Seeking direction on how to proceed:
 - Temporary Signs on Commercial Property
 - Permitting: no permit, except wall banners
 - Duration: no limit, except wall banners
 - Removal at close of business, except wall banners
 - Temporary sign area (exclude temporary window signs?)
 - Temporary Signs in the ROW
 - Sign Free Zone
 - Enforcement issues
 - Other issues?

Roger E. Eastman, AICP Comprehensive Planning and Code Administrator

(928) 213-2640 reastman@flagstaffaz.gov